TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1902.

No. 269 167

THE STEAMSHIP "ADULA," HER ENGINES, BOILERS, TACKLE, APPAREL, &c.; THE ATLAS STEAMSHIP COMPANY (LIMITED), CLAIMANT, APPELLANT,

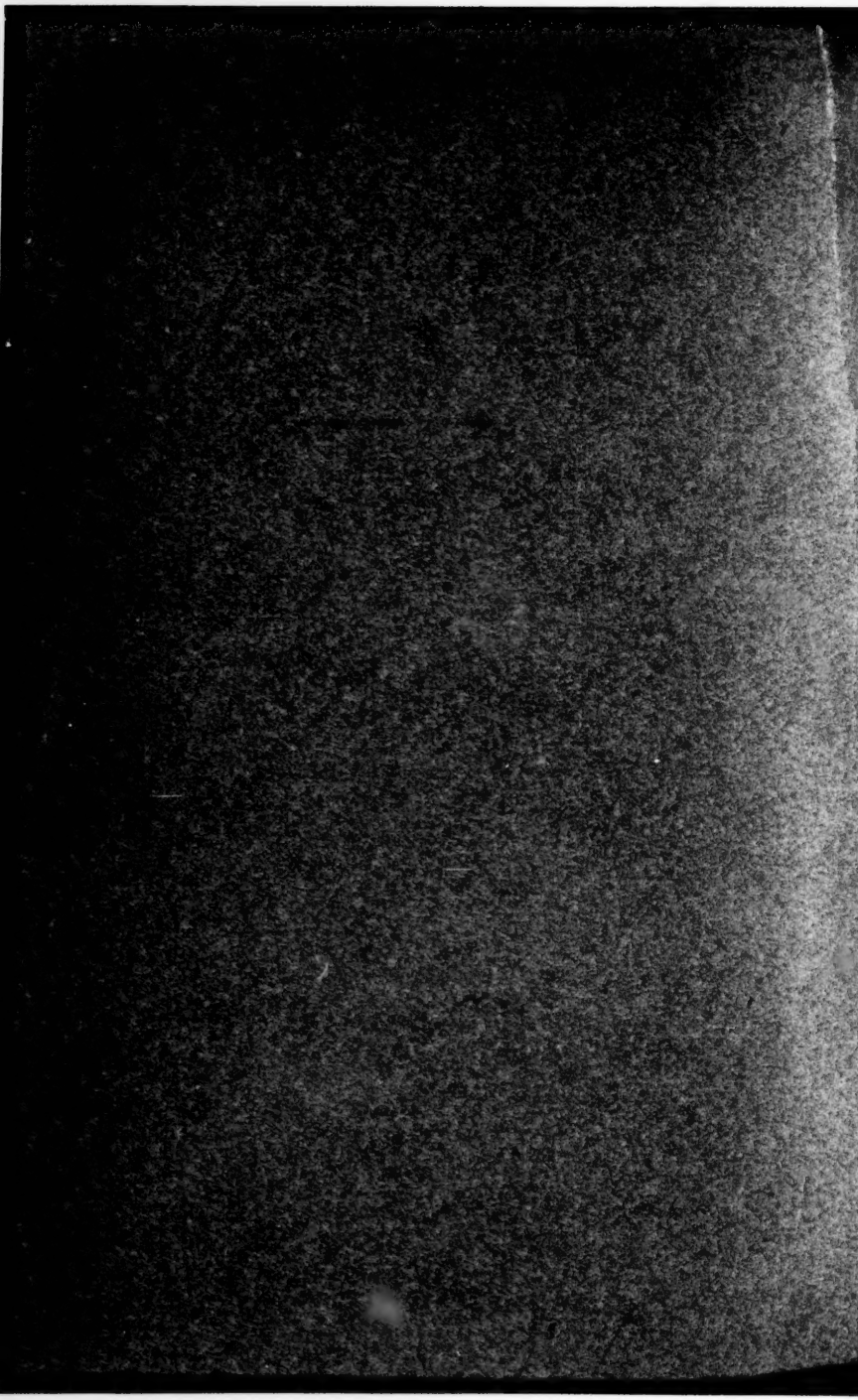
vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF GEORGIA.

FILED DECEMBER 9, 1902.

(17,213.)



(17,213.)

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OCTOBER TERM, 1898.

No. 628

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vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF GEORGIA.

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1 *Libel in Rem.*

To the Honorable Emory Speer, judge of the district court of the United States for the southern district of Georgia:

The libel of the United States of America, by Marion Erwin, United States attorney, on behalf as well of the United States as of the officers and crew of the United States ship of war "Marblehead," against the steamship "Adula," her engines, boilers, tackle, apparel, furniture, and cargo.

The said libellant, for and on behalf as aforesaid, doth hereby propound, allege, and declare to this honorable court as follows:

(1.) That on the 29th day of June, 1898, at the port of Guantanamo, in Guantanamo bay, island of Cuba, B. H. McCalla, commander of the United States ship of war "Marblehead," did seize and take possession of, as lawful prize of war, a certain steamship or vessel called the "Adula," one Robert W. Yeates being the master, with her cargo, provisions, engines, boilers, tackle, and all other appurtenances to the said ship belonging.

(2.) That the said steamship "Adula" at the time of her last voyage, terminating with her seizure as aforesaid, was chartered by and under control and direction of one Don Jose R. Solis, a loyal subject of her majesty the Queen Regent of Spain.

(3.) That on the 21st day of April, 1898, a state of war existed between the United States of America and the Kingdom of Spain, and that ever since that time open and public war has existed between the United States and the Kingdom of Spain and its dependencies.

(4.) That on or about the 22nd day of April, 1898, an actual and effective blockade of the port of Cienfuegos, Cuba, was established by the warships of the United States, and public notice of the fact was given to the world by the proclamation of the President of the United States, dated April 22nd, 1898.

(5.) That on or about the 20th day of May, 1898, an actual and effective blockade of the port of Santiago de Cuba was established by the warships of the United States under command of Commodore Schley, and the Spanish fleet, under command of Admiral
2 Cervera, was bottled up in the harbor of Santiago, facts which were notorious throughout the civilized world, and particularly well known in Kingston, Jamaica, which had close cable connection with Santiago.

(6.) That on or about the 8th day of June, 1898, an actual and effective blockade of the port and bay of Guantanamo, Cuba, was established by Commander McCalla, of the "Marblehead," with that ship and other warships of the United States.

(7.) That the blockades of said several ports from the time of their establishment were actual, effective, and continuous to the time of the capture of the "Adula," as aforesaid, and that the fact of such blockade of each of said ports was public, notorious throughout the civilized world, and particularly well known at Kingston, Jamaica.

(8.) That on June 27th, 1898, the President of the United States, by proclamation, declared the existence of a state of blockade of the south coast of Cuba from Cape Frances to Cape Cruz, which included the ports of Santiago, Guantanamo, and Manzanillo, among others, and that this proclamation was well known and notorious at Kingston, Jamaica, on the morning of June 28th, 1898.

(9.) That the fact that United States warships were keeping guard before said ports of Santiago, Guantanamo, and Manzanillo to prevent the entrance into and departure of vessels from said ports was well known to Captain Yeates, the master, and Don Jose R. Solis, the charterer, of said "Adula" prior to the departure of said vessel from Kingston, Jamaica, bound for said Cuban ports on the voyage in which she was seized.

(10.) That just prior to the departure of said "Adula" from Kingston, Jamaica, on June 28th, 1898, the United States consul refused the said Yeates and the said Solis permission to enter said ports of Santiago, Guantanamo, and Manzanillo because of the blockade of said ports, and notified them that said "Adula" could not enter said ports for any purpose.

(11.) That on June 28th, 1898, at 6 o'clock p. m., the said steamship "Adula" cleared from the port of Kingston, Jamaica, ostensibly bound, as shown by her papers, for the ports of Manzanillo, Santiago, and Guantanamo, Cuba, to take on passengers at these ports and with the purpose of entering one or other of said ports.

3 (12.) That the said Don Jose R. Solis, who was on said "Adula" at the time and entered on the crew list as supercargo, and said Yeates, master, then and there had upon their persons and otherwise in their personal custody a large number of letters, papers, of friendship and business, for correspondence and communication between citizens of Spain and others in the blockaded ports of Cuba and citizens of Spain and others in Jamaica and elsewhere outside of Cuba relating, among other things, to the present conduct and carrying on of commerce between the blockaded ports and the outside world; that said Yeates and Solis had the same in their possession on board said "Adula" with intent to carry on communication and promote trade and intercourse by means of the same between said people on the island of Cuba and those outside, as aforesaid.

(13.) Prior to the voyage on which she was seized, the "Adula," by permission of the United States consul at Kingston, Jamaica, sanctioned by the Secretary of the Navy of the United States, before she cleared from Kingston, Jamaica, had been permitted to make certain trips through the blockade at Cienfuegos to take out certain passengers; among others, certain American citizens there. On one of these permitted trips the "Adula" was boarded off Cienfuegos on May 9th, 1898, by an officer of the United States warship "Marblehead" and furnished with a copy of the proclamation of President McKinley, before mentioned, declaring Cienfuegos in a state of blockade. On the other permitted trips of the "Adula" into Cienfuegos the "Adula" was stopped — Cienfuegos on May 23rd, 1898,

by the United States cruiser "Brooklyn," and then allowed to go in and bring out passengers, as aforesaid.

(14.) On June 15th, 1898, the "Adula" cleared from Kingston, Jamaica, on a voyage to Cienfuegos, undertaking without permission of the United States authorities, and having evaded the American blockading fleet, entered Cienfuegos without permission from any United States warship, and there unloaded and delivered from said "Adula" a number of heavy packages, the contents of which are unknown to libellant. On the return voyage from Cienfuegos to Kingston the "Adula" took out, under an assumed name, a high Spanish official, to wit, the private secretary of General
4 Blanco, the Spanish governor general of Cuba. She was overhauled on June 19th by the U. S. S. "Yankee," but as she was flying the British flag she was allowed to proceed to Kingston with notice of the blockade of Cienfuegos and not to return again.

(15.) On June 27th, 1898, the "Adula," then at Kingston, was taking on a cargo for shipment, when, on the morning of June 28th, 1898, she discharged her cargo and took on coal, of which she had about three times the quantity necessary for her ostensible voyage. Mr. Solis, her charterer, then cabled Santiago, then in possession of Spain, for a Spanish pilot to meet the "Adula" at that port, and at 6 p. m. departed for Santiago, arriving off that port on June 29th, 1898, where, seeing the United States blockading squadron, the "Adula" did not go up to it, but changed her course for Guantanamo, at which latter place she arrived at about 5 p. m. June 29th, 1898, and the American warships lying well within the jaws of the bay, cut off from view by the headlands, the "Adula" had gotten within the three-mile limit of the shore and reached the mouth of the bay and within capturing distance of the American warships, one of which was moving out before the "Adula" discovered the danger of her position.

(16.) She was then ordered in to report to the American warships at anchor, and in consequences of the premises was seized by Commander McCalla as a good and lawful prize of war, as aforesaid, who placed Lieutenant Edwin A. Anderson, with a prize crew, aboard of said "Adula" and took possession of the papers and documents found aboard, and ordered her to Savannah, Georgia, for adjudication as a good and lawful prize.

(17.) That the said steamship "Adula" and cargo, with her captain, crew, and said charterer, have been brought into the port and harbor of Savannah, in the State of Georgia, where the same now are, within the jurisdiction of this court; and that the said vessel and cargo are lawful prize of war and subject to be condemned and forfeited to the United States as such.

(18.) Wherefore the said United States, by said attorney, prays that all persons having or claiming any interest in said vessel or cargo may by the proper process of this court be duly notified of the allegations and prayer of this libel and cited to appear and claim the same; that the nature, amount, and value of said
5 cargo may be determined; and that, on proper proofs being

taken and heard and all due proceedings being had, the said vessel, the "Adula," together with her engines, boilers, tackle, apparel, furniture, and cargo, may on the final hearing of this cause, by the definitive sentence and decree of this court, be condemned, forfeited, and sold as a prize of war and the proceeds distributed according to law.

MARION ERWIN,
U. S. Attorney.
WILLIAM R. LEAKEN,
Ass't U. S. Attorney.

Order for Process.

SOUTHERN DISTRICT OF GEORGIA, *ss:*

Upon reading and filing the foregoing libel, it is ordered that attachment and monition do issue against the steamship "Adula," her engines, boilers, tackle, apparel, furniture, and cargo, returnable at the clerk's office of the district court of the United States for said district on Monday, August 1st, 1898, at 10 o'clock a. m.

Witness the Honorable Emory Speer, judge of said court, at Savannah, Ga., this July 21, 1898.

[SEAL.] H. H. KING, *Clerk.*

Endorsement: In United States district court, eastern division of the southern district of Georgia. The United States of America *versus* Steamship Adula, etc. Seizure. Libel. Filed in clerk's office July 21, 1898. H. H. King, clerk. Marion Erwin, U. S. attorney. W. R. Leaken, ass't U. S. att'y.

EASTERN DIVISION
Of the Southern District of Georgia, } *ss:*

The President of the United States of America to the marshal of the southern district of Georgia, Greeting:

[SEAL.] Whereas a libel hath been filed in the district court of the United States for the southern district of Georgia on the twenty-first day of July, in the year of our Lord one thousand eight hundred and ninety-eight, by the United States of America against the steamship "Adula," her tackle, apparel, etc., and cargo, in a cause of prize, for the reasons and causes in the said libel mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said steamship "Adula," her tackle, apparel, etc., and cargo, may be cited in general and special to answer the premises, and, all proceedings being had, that the said steamship "Adula," her tackle, apparel, etc., and cargo, may for the causes in the said libel mentioned be condemned and sold to pay the demands of the libellant.

You are therefore hereby commanded to attach the said steamship "Adula," her tackle, apparel, etc., and cargo, and to detain the same in your custody until the further order of the court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear at the clerk's office of the district court of the United States for the southern district of Georgia, in the city of Savannah, on Monday, the first day of August next, A. D. 1898, at 10 o'clock in the forenoon of that day, then and there to interpose a claim for the same and to make their allegations in that behalf; and what you shall have done in the premises do you then and there make return thereof, together with this writ.

Witness the Honorable Emory Speer, judge of the said court, at the city of Savannah, in the southern district of Georgia, this twenty-first day of July, in the year of our Lord one thousand eight hundred and *eighty* ninety-eight, and of our Independence the one hundred and twenty-third.

H. H. KING, *Clerk.*

MARION ERWIN, *U. S. Attorney,*
WILLIAM R. LEAKEN, *Ass't U. S. Attorney,*
Proctors for Libellants.

7 *Marshal's Return on Attachment.*

OFFICE U. S. MARSHAL, EASTERN DIVISION,
SOUTHERN DISTRICT OF GEORGIA,
SAVANNAH, GA., *July* 21, 1898.

In obedience to the within writ, I did, *no* the 21st day of July, 1898, at Savannah, in my district, arrest the within-named steamer "Adula," her tackle, apparel, furniture, and cargo, and now have the same in my custody, at Savannah aforesaid, and I have duly cited all persons to appear, as I am within commanded.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

Endorsement: #205. United States district court, eastern division of the southern district of Georgia. In admiralty. The United States of America, libellant, *versus* The Steamship "Adula," etc. Attachment and monition *in rem.* Issued 21st day of July, 1898. Returned 22nd day of July, 1898. S. F. B. Gillespie, deputy clerk. M. Erwin, U. S. att'y; W. R. Leaken, ass't U. S. att'y, proctors for libellant.

8 *Claim of Owners.*

In the District Court of the United States, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
vs.
STEAMSHIP "ADULA," HER ENGINES, BOILERS, APPAREL, AND FURNITURE.

And now comes the Atlas Steamship Company, Limited, and says that it is the owner of said steamship "Adula," her engines, boilers, tackle, apparel, furniture, and stores, and that it claims the same; and it further says that it is a corporation incorporated under the laws of the United Kingdom of Great Britain and Ireland, and having its principal office in the city of Liverpool, in said kingdom, and in the city of New York, in the United States of America, and that it is the true and *bona fide* owner of said steamship, and that no other person is the owner thereof.

And it further shows that said ship has no cargo on board, and that what is described in the libel as cargo is in fact coal forming part of the stores of said ship; that the British registry of said ship is now in the possession of this honorable court, as it is informed and believes, and it prays reference to the same.

And it further says that the said ship, her engines, boilers, tackle, apparel and furniture, and said stores, at the time of shipment and capture did belong to the person hereinabove named and referred to, and that the same, if restored, will belong to the same person and none other, and it prays the restitution thereof.

ATLAS STEAMSHIP COMPANY, LIMITED,
By ROB'T W. YEATS, *Master S. S. "Adula."*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Divis'n.

Robert William Yates, being duly sworn, deposes and says that I am the master of the steamship "Adula" mentioned in the foregoing claim, and as such am the lawful bailee of the said ship, her tackle, apparel, machinery, and furniture, and of the coal mentioned in said claim, which formed a part of the stores of said ship and was not cargo. I have read the foregoing claim and know the contents thereof, and the same is true. The reason why this affidavit is made by me is that the claimant is a corporation; that
9 none of the directors or officers thereof are in the district of Georgia.

R. W. YEATS.

Sworn to and subscribed before me this 26th day of July, 1898.

S. F. B. GILLESPIE,
Deputy Clerk, U. S. District Court, So. Dist. Ga.

Endorsement: In the district court of the United States, southern district of Georgia, eastern division. United States of America *vs.* Steamship "Adula," her engines, boilers, tackle, etc. Claim of owners. Filed July 26, 1898. S. F. B. Gillespie, deputy clerk. Everett P. Wheeler, Garrard, Meldrim & Newman, proctors for claimant.

10 *Stipulation for Claimant's Costs.*

United States District Court, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
versus
STEAMSHIP "ADULA," HER ENGINES, BOILERS, Tackle, Apparel, etc. } In Admiralty.

Libel *in rem.* Seizure.

District Court of the United States for the Southern District of Georgia.

Stipulation entered into pursuant to the rules and practice of this court.

Whereas a libel was filed in this court on the twenty-first day of July, in the year of our Lord one thousand eight hundred and ninety-eight, by the United States of America against the Steamship "Adula," her engines, boilers, her tackle, apparel and furniture, and cargo, for the reasons and causes in said libel mentioned, and praying that the same may be condemned and sold to answer the prayer of the libellant;

And whereas, also, a claim has been filed in said cause by the Atlas Steamship Company, Limited, and the said claimant, and the Fidelity & Deposit Company of Maryland, surety, the parties hereto hereby consenting that in case of default or contumacy on the part of the claimant or their surety execution for the sum of two hundred and fifty dollars *dollars* may issue against their goods, chattels, and land:

Now, therefore, it is hereby stipulated and agreed for the benefit of whom it may concern that the stipulator undersigned shall be and hereby — bound in the sum of two hundred & fifty dollars *dollars*, condition- that the claimant above named shall pay all costs and expenses which shall be awarded against *them* by the final decree of this court or upon an appeal by the appellate court.

THE ATLAS STEAMSHIP COMPANY, LIMITED,
By E. P. WHEELER, *Attorney.*
THE FIDELITY & DEPOSIT COMPANY OF MARYLAND,
By J. A. G. CARSON, *Their Attorney-in-fact.*

Attest: JOHN R. COWAN,
For Resident Manager.

[Seal & Int. Rev. Stamp.]

Taken and acknowledged this 27th day of July, 1898, before me—
S. F. B. GILLESPIE,
Deputy Clerk.

Filed July 27, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

11 *Petition of the Atlas Steamship Company, Limited.*

To the Honorable Emory Speer, judge of the district court of the United States for the southern district of Georgia:

The petition of the Atlas Steamship Company, Limited, respectfully showeth:

First. Your petitioner is a corporation incorporated under the laws of the United Kingdom of Great Britain and Ireland, and is and has been for many years engaged in the business of transporting passengers, mails, and cargo between the city of New York and various ports in the island of Jamaica and in Central and South America.

Second. Your petitioner is the owner of the steamship "Adula," which, as your petitioner is informed and believes, was on or about the first day of July, 1898, seized by the naval forces of the United States of America off the port of Guantanamo, in the island of Cuba, for an alleged infraction of the blockade claimed to be then existing at said port.

Third. Your petitioner on several occasions prior to said date had, with the full consent and approval of the Government of the United States, transported divers refugees, many of whom were American citizens, and others were citizens and subjects of her majesty the Queen of the United Kingdom aforesaid, and were exposed in the island of Cuba to great danger to their lives from the war now being waged on that island, and were also exposed to great suffering and privation from the difficulty in obtaining shelter and food, and were indeed in imminent danger of starvation.

At the time of the charter-party hereinafter mentioned your petitioner had no knowledge or information that the policy of the Government of the United States respecting the transportation of refugees from the island of Cuba to the island of Jamaica had been in any respect changed, and relying upon the fact that your petitioner had been engaged on several occasions, as aforesaid, in the said business, it did, on or about the — day of June, 1898, make a charter-party with one Jose R. Solis, who was the French consular agent in Manzanillo, which charter-party was entered upon
12 by your petitioner in entire good faith and in the full belief that its sole object and purpose was to transport other refugees from said island of Cuba solely for the purpose of saving them from danger to their lives and bringing them to a place of shelter. A copy of said charter-party is annexed hereto and marked Exhibit "A."

Your petitioner has no knowledge, information, or belief of any

other object on the part of said Solis than the transportation of refugees from the island of Cuba to the island of Jamaica, and does not *not* know that there was any other object, and it was expressly agreed between him and your petitioner that no attempt should be made to enter any of the three ports in the island of Cuba to which it was proposed to send the said Adula without the full consent of the authorities of the United States stationed off the said ports.

The said ports of Guantanamo, Santiago, and Manzanillo were not included in the original proclamation by the President of the United States in reference to a blockade of certain portions of the coast of the island of Cuba, and, so far as your petitioner is aware, no proclamation that said ports were blockaded was made until the 6th day of July, 1898. The port of Guantanamo has been in full possession of the military and naval forces of the United States for about a month, and the principal part of the province of the island of Cuba, in which said ports are situated, has been for more than two years in the possession of and governed by the insurgents in said island, with whom the United States is now co-operating.

Fourth. At the time of making the said charter-party your petitioner was informed and verily believes that neutral vessels on peaceful errands had been allowed by the authorities of the United States to enter and depart from all the said ports, and it did not believe that any obstacle would be offered by the said authorities to the said steamship Adula, mentioned in said charter-party, entering the said ports; but nevertheless, in order to guard against all possible difficulty on that score, the captain of the said Adula received instructions from your petitioner not to make any attempt whatever to enter the said ports until he had communicated with the authorities of the United States having jurisdiction and control over that portion of the island of Cuba in which said ports are situated
13 and over the sea adjoining, as will more fully appear from the instructions given by your petitioner to the captain of the said steamship Adula, a copy of which is also hereto annexed, marked Ex. "B."

Fifth. The said steamship Adula has a peculiar and intrinsic value to your petitioner, independent of the market value of said steamer. In the ordinary course of your petitioner's business, it despatches a steamer from New York every Saturday for Kingston, Jamaica. These steamers carry United States mails, passengers, and cargo, and the steamship Adula ordinarily runs in connection with said steamers upon their arrival in Kingston, and transports passengers, mails, and cargo from Kingston to the outports of Jamaica. Many of these ports have no communication with Kingston excepting by water. The only line of steam railway in said island is a very short one, running from Kingston to the interior, and reaching only one point on the coast. The island is mountainous. There is no regular communication by roads and it is of great importance to the welfare, comfort, and convenience of the inhabitants of said island that the communication between Kingston and the inhabitants of said island should be maintained by sea.

Sixth. Your petitioner has been engaged in the business of trans-

porting passengers, mails, and cargo from Kingston to said outports for many years, and it would be prejudiced by any serious interruption thereof to a much greater amount than the value of said steamer Adula.

Seventh. Your petitioner has no other steamer which can be engaged in that business, and could not procure another suitable steamer for that purpose without great delay. The steamers plying between New York and Kingston and South America are too large for the trade, and of a draft deeper than would allow them to enter many of the harbors on the coast of Jamaica, and your petitioner would not have allowed its said business to be interfered with, even for a few days, by the temporary absence of the said Adula on a voyage to Cuba, except for the representations that the conditions of the peaceful citizens of the island was so deplorable that in the cause of humanity it was imperative to remove as soon as possible as many of them as were able and desirous to go.

14 Eighth. The rights and interests of the United States and of the captors will not be prejudiced by the delivery to your petitioners of the said steamship Adula.

Wherefore your petitioner prays that the court would authorize the delivery of the said steamship Adula to your petitioner on the filing of a stipulation for the value of said steamer, with satisfactory security, and that your petitioner may have such other and further relief as may be just.

New York, July 16, 1898.

THE ATLAS STEAMSHIP ——, LIMITED,
By R. GEMMELL, *Att'y.*

EVERETT P. WHEELER,
P. W. MELDRIM, *Advocates.*

CITY AND COUNTY OF NEW YORK, *ss:*

Robert Gemmell, being duly sworn, deposes and says: I am the resident agent in the city of New York of The Atlas Steamship Company, Limited, the petitioner herein; I have read the foregoing petition and know the contents thereof, and the same is true of my own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

R. GEMMELL.

Sworn to before me this 16th day of July, 1898.

HARRY M. HEWITT,
[SEAL OF NOTARY.] *Notary Public*, 190, *N. Y. Co.*

15 EXHIBIT "A."

It is hereby mutually agreed between the Atlas Steamship Company, Limited, hereinafter called the "company," and Mr. Jose R. Solis, hereinafter called the charterer, as follows:

That the company put at the disposal of the charterer the steamer

"Adula" for the conveyance of passengers from Cuban ports hereinafter to be named to Kingston. The ports that the vessel is to go to are Manzanillo, Santiago and Guantanamo; but it is distinctly understood and agreed by the parties aforesaid that it shall not be deemed a breach of this agreement should the steamer be prevented from entering any of those ports from causes beyond the control of the company, but that, should she be able to enter one or all of them, she shall embark the passengers that the charterer shall engage for her and proceed on her voyage. If she is not permitted to enter either Manzanillo, Santiago or Guantanamo the vessel is to return to Kingston and the voyage shall be considered completed, and the charter money hereinafter referred to earned without any deductions. The company reserves the right to refuse to take any passengers that in the captain's opinion is in such a state of health as may seriously interfere with the obtaining of pratique at Port Royal. The passengers are to be provided with such accom-odation as the ship can offer at this moment, and are to be provided with victualling at the company's usual scale of charges, the victualling to be paid by the passengers.

The port charges are payable by the charterers, and the charterer is to provide a good and efficient government pilot to conduct the ship safely into the ports which have been named. Should she be permitted to enter them, the charterer guarantees that the proper and efficient clearances shall be obtained for each port, so that the ship shall not be subjected to any fines for breach of regulations.

For these services the charterer shall pay the company for the hire of the vessel one hundred pounds per day or part of a day for the first ten days of the voyage. After the expiration of the first ten days, the charter money shall be at the rate of fifty pounds per day or part of a day, and it is agreed that the charter money
16 shall count from the time the ship leaves the wharf at Kingston until she returns to the wharf at Kingston. A minimum payment, however, is agreed to be five hundred pounds.

On the signing of this agreement the charterer shall pay to the company the sum of one thousand pounds as a deposit for the payment of the charter money. The company herewith give their undertaking to the charterer that should the charter money be less than the amount of the deposit that they will refund to the charterer the balance on demand, it being always understood that a minimum payment of £500 is payable by the charterer.

It is understood that the company shall provide all coals, stores and crew's wages.

Should the vessel be stopped for repairs to machinery or through being stranded, the time she is stopped, and, or aground shall not be counted as time under the attached agreement.

The company will provide the charterer with a boat and crew for the purpose of entering any of the ports named in the agreement attached.

The company will give the option to the charterer for another similar voyage on similar terms, providing the charterer gives the company twenty-four hours' notice after arrival of the steamer at

Kingston, the voyage to commence, if the ship is ready, twelve hours after the expiration of the twenty-four hours.

Signed in triplicate, this twenty-eighth day of June, one thousand eight hundred and ninety-eight by the parties aforesaid.

For the Atlas S. S. Co., L't'd:

(S'g'd) W. PEPLOE FORWOOD.
(S'g'd) JOSE R. SOLIS, *Charterer.*

17 EXHIBIT "B."

Dictated by Capt. Forwood.

ATLAS STEAMSHIP COMPANY, JAMAICA AGENCY,
June 28, 1898.

Captain Yeates, S. S. "Adula."

DEAR SIR: I enclose herein a copy of the agreement under which your vessel is proceeding on, and on board the ship will be the charterer, to whom I now introduce you, Mr. Jose R. Solis, and I ask you to show him every attention on the voyage.

You will see by a perusal of the agreement that you are on a voyage wholly and solely for the conveyance of refugees from the ports named to Kingston.

On your arrival at Guantanamo, to which port you will proceed direct, you will find, no doubt, American warships off the port. You will, when signalled to, stop immediately and communicate to the commanding officer the voyage that you are on, and, in fact, you can show him these sailing orders, and I do not think that the commanding officer will make any trouble whatever to your continuing the voyage into the port.

You must be careful on your arrival there not to interfere or in any way make any observation or sketches or anything that you may see or hear of, but adhere strictly to the duties of your ship.

At Guantanamo it is likely there may be some difficulty in obtaining a pilot, and if the commanding officer gives you permission to proceed it is just possible that he may be able to tell you where you can obtain the services of a pilot to go in.

From Guantanamo you will proceed to off Santiago. Here you will meet the other fleet, and carry the same instructions out with them as I have mentioned to you in reference to Guantanamo. The charterer is telegraphing at once to Santiago for a pilot to come off to meet the ship, if permission is granted, to pilot your ship into the port.

From Santiago you will proceed to Manzanillo, and from thence back to Kingston. The charterer, Mr. Solis, may order you direct from Guantanamo to Kingston or from Santiago to King-
18 ston, and in such a case you will follow out his orders, which he will give you in writing. He has the option of going to the three ports, but it may be convenient for him to go to only one or even two. The boat's crew that is mentioned in the appendix of this agreement you will provide, but it will be necessary for you to have the ensign in the stern, so as to show your nationality.

You will not allow any provisions of any sort to leave your ship at any of the ports or to do anything that is contrary to the laws of the country or that may be interpreted as a breach of faith in being allowed to pass the blockade and enter the ports, and I must ask you not to permit any of your crew to land at any of the ports, and only yourself, if necessary, to visit the British consul.

Wishing you a pleasant voyage, I am, sir,

Yours faithfully,

(S'g'd) W. PEPLOE FORWOOD,
Gen. Ag't, Jca.

Endorsement: In the matter of the seizure of the steamship "Adula," &c. Petition of the Atlas Steamship Company, Limited. Filed in clerk's office July 26, 1898. H. H. King, clerk. Everett P. Wheeler, P. W. Meldrim, advocates. Garrard, Meldrim & Newman, proctors for claimant.

Acknowledgment of Service.

Service of a copy of the within petition acknowledged this July 26th, 1898.

MARION ERWIN,
U. S. Attorney.

19 *Order to File Answer on July 28th, 1898.*

In United States District Court, Eastern Division, Southern District of Georgia.

UNITED STATES
vs.
STEAMSHIP "ADULA," &C. } Libel *in Rem.* Prize.

It is agreed between the parties, by their respective proctors of record, that the hearing on the evidence taken in preparation and on the papers, documents, &c., sent up by the prize commissioners in the above-stated cause and on claimant's petition, proceed today before the court, the claimant to file answer to the libel by 10 o'clock a. m. tomorrow.

MARION ERWIN,
U. S. Attorney.
WILLIAM R. LEAKEN,
Ass't U. S. Attorney.
E. P. WHEELER,
P. W. MELDRIM,
Proctors for Claimant.

In open court, July 27, 1898.
Approved.

EMORY SPEER, *Judge.*

Filed in clerk's office July 27, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

20 *Answer of the Atlas Steamship Company.*

In the District Court of the United States, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
vs.
STEAMSHIP "ADULA," HER ENGINES, BOILERS, TACKLE, APPAREL, and Furniture, &c.

The answer of the Atlas Steamship Company (Limited), by Garrard, Meldrim & Newman, proctors for the said company, claimant of the steamship "Adula," her engines, boilers, tackle, apparel, furniture, and coal.

The said claimant answers the libel as follows upon its information and believe:

1. It denies that the said steamship "Adula" at the time of her last voyage, terminating with her seizure, or at any time was under the control or direction of one Jose R. Solis, and upon information and belief it denies that he was a loyal subject of her majesty the Queen Regent of Spain.

2. It denies upon information and belief the allegations of the fourth article of the libel.

3. It denies that an actual and effective blockade of the port of Santiago was established, as alleged in the fifth article of the libel.

4. It denies that on or about the 8th day of June, 1898, or at any time an actual or effective blockade of the port or the bay of Guantanamo, Cuba, was established by Commander McCalla, of the Marblehead, with that ship or any other ships.

5. It denies that the blockades of the port alleged in the seventh article of the libel or either of them from the time of their establishment were actual, effective, or continuous to the time of the capture of the "Adula," as aforesaid, or that the fact of such blockade was public or notorious throughout the civilized world, or that the same was well known at Kingston, Jamaica.

6. It has no knowledge or information sufficient to form a belief as to whether on June 27th, 1898, the President of the United States made the proclamation alleges in the eighth article of the libel, and it denies that this proclamation was well known or notorious at Kingston, Jamaica, on the morning of June 28th, 1898, and
21 avers on information and belief that the same was not known to this claimant until on or about July 6th, 1898.

7. It denies each and every one of the allegations in the ninth article of the libel.

8. It denies each and every one of the allegations in the tenth article of the libel.

9. It denies that the said steamship "Adula" cleared from the port of Kingston, Jamaica, or otherwise for the purpose of entering the port either of Manzanillo, Santiago, or Guantanamo, Cuba, un-

less it could receive from the authorities of the United States having control of the said ports or the waters adjacent thereto express permission to enter any one of said ports and take away refugees and non-combatants therefrom.

10. It denies each and every one of the allegations in the twelfth article of the said libel.

11. It has no knowledge or information sufficient to form a belief as to whether on any of the permitted trips alleged in the thirteenth article of the libel the "Adula" was furnished with a copy of the proclamation of President McKinley therein alleged.

12. It denies that the said steamship "Adula" evaded the American fleet on the voyage to Cienfuegos mentioned in the fourteenth article of the libel, and it denies that the said voyage was without permission of the United States authorities, and it denies each of the allegations in the fourteenth article of the libel respecting the person taken out by the said steamer on the return voyage from Cienfuegos to Kingston as therein alleged.

13. It denies that on the morning of June 28th, 1898, the Adula took on coal to about three time- the quantity necessary for her voyage, and alleges that the coal taken on board by her was no more than was necessary and reasonable for her voyage and for a subsequent trip in her usual business along the coast of Jamaica, and that owing to the said steamer having no cargo on board the said coal was required for the purposes of ballast and trim. It denies on information and belief that the charterer, Solis, cabled Santiago for a Spanish pilot to meet the "Adula" at that port. It denies the allegation in the fifteenth article of the libel that the said
22 steamship departed for Santiago or arrived off that port on the 29th of June, or that she on that day changed her course for Guantanamo, except as hereinafter admitted.

14. It admits the seizure mentioned in the sixteenth article of the libel, but denies that said seizure was in consequence of the premises alleged in the libel, or that it was a good or lawful one, or that said steamship "Adula" was a good or lawful prize of war.

15. It denies that said vessel and the coal on board, erroneously described in the libel as cargo, are lawful prize of war or subject to be condemned or forfeited to the United States as such.

16. And this claimant further says and shows to the court as follows: That the war mentioned in the third article of the libel was begun and has been prosecuted for the purpose of compelling the government of Spain to relinquish its authority and government in the island of Cuba and withdraw its land and naval forces in Cuba and Cuban waters, and that by the act of Congress declaring such war it was declared that the people of the island of Cuba are and of right ought to be free and independent, and said war has not been waged against them; that the said Solis mentioned in the libel was a native-born Cuban and had taken no part in the hostilities between the government of Spain and the United States of America; that prior to the said declaration of war it was well known in the United States and in Jamaica and to this claimant and is fully stated in divers messages of the President of the United States and

other public documents that great numbers of innocent persons in the island of Cuba were in great suffering and distress by reason of the hostilities that were being waged in said island between the people of said island, who were endeavoring to liberate themselves from the rule of the government of Spain, and the soldiers, who were acting under the authority of the said Spanish government, and, in point of fact, many of said persons were exposed to suffering and privation from difficulty in obtaining shelter and food and were in imminent danger of starvation; that in divers public messages and documents as aforesaid the Government of the United States had declared its intention to relieve the sufferings of said persons and to supply them with food or to permit the same to be done.

23 That acting upon the determination so expressed, and both before and after the said declaration of war, the said Government of the United States encouraged divers attempts that were made to relieve such sufferings, and that the voyages of the "Adula" mentioned in the thirteenth and fourteenth articles of the libel were wholly undertaken and completed in aid of said purpose; that the United States Government encouraged the removal from the island of Cuba of refugees and persons not engaged in warfare; that no information of any sort that the policy of the Government of the United States in that particular had been changed, if it was ever changed, was communicated in any way to this claimant; that when the application to charter the "Adula," in the latter part of June, 1898, was made to this claimant by Jose R. Solis, mentioned in the libel, the application was made solely for the conveyance of passengers from Manzanillo, Santiago, and Guantanamo to Kingston, Jamaica. At that time this claimant was informed and verily believed that neutral vessels on peaceful errands had been allowed by the authorities of the United States to enter and depart from all of said ports, and it did in good faith believe that no obstacle would be offered by said authorities to the said steamship "Adula" entering the said ports to remove refugees and non-combatants therefrom, and it was fully expected and believed by this claimant and the public generally that in the prosecution of hostilities between the United States and Spain a bombardment of the city of Santiago was imminent, and that, in accordance with the laws of war, the general commanding the United States Army in the vicinity of Santiago would authorize non-combatants to depart therefrom; all of which on or about the first of July actually happened, and this claimant did in good faith believe that the Government of the United States would prefer the removal of said refugees and non-combatants from the vicinity of Santiago, and this claimant never had the slightest intention to break any blockade that might be established in form or in fact at any of said ports.

Wherefore it did on or about the 28th day of June, 1898, make a charter-party with said Jose R. Solis, which charter-party was entered upon by your petitioner in good faith and in the full belief that its sole object and purpose was to transport other refugees

24 from said island of Cuba solely for the purpose of saving them from danger to their lives and bringing them to a place

of shelter; to which said charter-party it craves to refer. Your claimant had no knowledge, information, or belief of any other object on the part of said Solis than the transportation of refugees from the island of Cuba to the island of Jamaica, and does not now know that there was any other object, and it was expressly agreed between him and this claimant that no attempt should be made to enter any of the three ports in the island of Cuba to which it was proposed to send the "Adula" without the full consent of the authorities of the United States stationed off the said ports. The said ports of Guantanamo, Santiago, and Manzanillo were not included in the original proclamation by the President of the United States in reference to a blockade of certain portions of the coast of the island of Cuba. The principal part of the province of the island of Cuba, in which said ports are situated, has been for more than two years in the possession and governed by the insurgents in said island, with whom the United States Government is now and has been co-operating.

It was further expressly agreed between the said Solis and this claimant that no attempt should be made to enter any of the said ports until after permission to do so should first be obtained from the commanding officer of any American warships off any of said ports, and specific instructions were given by this claimant to the captain of said steamer not to make any attempt to enter any of said ports without such permission, and he was further instructed not to allow any provisions of any sort to leave the ship at any of the said ports, as by said instructions, reference being had thereto, will more fully appear.

The armed forces of the United States, in pursuance of the declaration of war aforesaid and for the purposes therein expressed, did, on or about the 10th day of June, 1898, as your petitioner is informed and believes, take possession of the port and harbor of Guantanamo, and have held possession of the same ever since. The city of Guantanamo, as your petitioner is informed and believes, is not on said harbor, but is about 18 miles inland, on a shallow river, not accessible by seagoing vessels and not accessible by the said steamship "Adula," and it never was her intention to go to said city, but solely, so far as said city is concerned, to take away any refugees who might have been notified by the American forces to leave said city or who might have been permitted by such forces to leave the same or its neighborhood, and whose departure from the island of Cuba would be permitted by the said forces of the United States, as they had previously permitted other refugees to depart.

In accordance with the said instructions and solely for the purposes aforesaid, the said "Adula" did, on the 28th day of June, 1898, sail from Kingston for the bay of Guantanamo, then, as aforesaid, in the full and undisturbed possession of the forces of the United States, and was seeking permission to enter the same when she was seized by the "Marblehead." Before approaching the said bay she had been hailed by an armed vessel of the United States, known as the "Vixen," and had informed the commanding officer of said "Vixen" that she was bound for Guantanamo and was told by him

to proceed. If the commanding officer of the said "Vixen," or any other officer of the Navy of the United States, had informed the captain of the said "Adula" that permission to enter the said bay of Guantanamo was refused, the said captain, in accordance with his instructions, would have departed therefrom and would have made no attempt to enter the same, but was engaged at the time of the capture solely in the endeavor to meet the commanding officer off or in said bay and request from him permission to enter the same and whistled for a pilot, and she went about the approach to the American fleet openly and publicly and without the least attempt at concealment or disguise.

17. That this claimant and the officers and crew of said steamship have suffered great loss and damage by reason of the unlawful seizure and detention of the said steamship; that she ought to have been sent in promptly for adjudication, whereas she was without cause detained off Guantanamo for about twenty days before she was sent in for adjudication.

Wherefore this claimant, on behalf of itself and the said officers and crew, prays that this honorable court would decree that
26 the said seizure and detention were unlawful, and that the said steamship and other property so seized be restored to it, and that the captors and libellants pay to this claimant and to the said officers and crew of said steamship the damages which they have severally sustained by reason thereof, and the said claimant prays that its reasonable costs and damages in this behalf sustained may be adjudged to it.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimant.

EVERETT P. WHEELER,
P. W. MELDRIM, *Advocates.*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

Wright Hunter, being duly sworn, deposes and says that he is an agent in the said district for the Atlas Steamship Company, Limited, the claimant herein, and that the foregoing answer is true to his own knowledge, except as to matters therein stated on information and belief, and as to those matters he believes the same to be true; that the reason this affidavit is not made by one of the officers of said claimant is that said claimant is a corporation, and that none of said officers are now in the district aforesaid.

WRIGHT HUNTER.

Sworn to and subscribed before me this 27th day of July, 1898.

[SEAL OF NOTARY.] *Notary Public, Chatham Co., Ga.*

Endorsement: In the U. S. district court, southern district of Georgia, eastern division. United States of America *versus* Steam-

ship "Adula," her engines, boilers, tackle, etc. Answer. Filed in office July 27, 1898. S. F. B. Gillespie, deputy clerk. Garrard, Meldrim & Newman, proctors for claimant.

27 *Motion to Take Further Proof and Rule Nisi.*

JULY 28, 1898.

And now comes the Atlas Steamship Company (Limited), by its proctors aforesaid, and moves the court to order further proof and permit it to take further proof in explanation of and respecting the various matters alleged in the libel regarding the last voyage to Cienfuegos and to Guantanamo, concerning which it is claimed by the attorney for the libellant that the evidence shows cause for condemning the said steamship, her engines, &c., as prize of war, and also respecting the ownership of said steamship, and after hearing counsel for the parties, it is—

Ordered that the hearing of said motion be set down for the 9th day of August, at 4 p. m., 1898, at Mount Airy, in the State of Georgia, and that the claimant have leave to serve such affidavits and other papers it may desire to read upon said motion on or before August 5, 1898, and that the entry of the decree herein be without prejudice to said motion.

EMORY SPEER, *Judge.*

July 28, 1898.

Service of a copy of the above rule *nisi* is hereby acknowledged.

MARION ERWIN,
U. S. Attorney.

July 28, 1898.

Endorsement: In the United States district court, southern district of Georgia, eastern division. United States of America *vs.* Steamship "Adula," her engines, boilers, &c. Rule *nisi*. Filed in office July 28, 1898. S. F. B. Gillespie, deputy clerk.

28 *Report of Prize Commissioners.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
STEAMSHIP "ADULA." } Prize Cause.

To the Honorable Emory Speer, district judge, presiding in said cause:

The undersigned prize commissioners, appointed by this honorable court, beg leave to report that they have duly transmitted to the clerk of said court, securely sealed and properly labeled, all papers of every kind delivered to them by Lieutenant E. A. Anderson, prize master of the "Adula," as having been seized on said ship

or from the persons on board said ship, such papers being in one large package marked "Package No. 1," and being described in the affidavits of said prize master hereinafter described.

In another package, likewise sealed and labelled, and which said package is marked "Package No. 2," are contained all depositions, affidavits, inventories, claims for prize money, and papers of every character which have been prepared by us or under our direction, or which have been handed to us in connection with this cause.

The papers contained in package No. 2 are as follows:

1. Affidavit of Lieutenant Edwin A. Anderson (marked "Affidavit No. 1").

2. Affidavit of Lieutenant Edwin A. Anderson (marked "Affidavit No. 2").

3. Inventory of the papers of the steamship "Adula;" this inventory is attached as an exhibit to affidavit No. 1, made by Lieutenant Anderson.

4. The interrogatories of the following seven witnesses, who were on the "Adula" when captured, to wit, Robert William Yeates, master of the "Adula" (paper marked No. 4); Jose R. Solis, supercargo (paper marked No. 4*a*); James Clarkson, acting chief officer (paper marked No. 4*b*); David Hamilton, quartermaster (paper marked No. 4*c*); John Darling, quartermaster (paper marked No. — *d*); James C. Williamson, purser (paper marked No. 4*e*), and Horatio Morris, sailor (paper marked No. 4*f*).

5. Interrogatories of the following three members of the prize crew, to wit, Lieutenant Edwin A. Anderson, William Ellenberg, and Freeman Gill (said interrogatories being numbered respectively 5, 5*a*, and 5*b*).

6. Written consent for the taking of the interrogatories of the three foregoing witnesses (this paper being marked No. 6 and being attached to the interrogatories of William Ellenberg and Freeman Gill).

29 7. Oath administered to George T. Cann and Manning White as stenographers.

8. List of officers and crew U. S. S. Marblehead.

9. Letters from B. H. McCalla, addressed to the judge of the United States prize court, with copies of four letters addressed by him to the commander-in-chief North Atlantic station.

10. Claim for prize money made by U. S. S. "Solace."

11. Claim for prize money made by U. S. T. B. "Rodgers;" no list of officers or crew attached.

This inventory of the papers in the package No. 1 is correct, same having been made jointly by the prize master and the commissioners.

No cargo was found on board the "Adula." There is now on the ship something like 12 or 16 tons of coal.

This report and inventory is placed by us in package No. 2, along with the papers herein described, and we have no papers of any kind whatsoever in our hands now relating to the steamship "Adula," all having been delivered to the clerk of the United States court at Savannah, as provided by law.

Since preparing the foregoing report we have backed each paper so as to dispense with the necessity of marks.

Respectfully submitted.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: District court of U. S., eastern division, southern district of Georgia. United States *vs.* Steamship "Adula." Report of prize commissioners. Taken from sealed package from prize commissioners, opened by the court, and now, this July 27th, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

30 *Order for Bonding and Appointing Appraisers.*

In the United States District Court, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
vs.
STEAMSHIP ADULA, HER ENGINES, BOILERS, TACKLE, APPAREL, Furniture, etc.

At a stated term of the district court of the United States for the southern district of Georgia, eastern division, held at the court-house, in the city of Savannah, on the 28th day of July, A. D. 1898.

Present: Honorable Emory Speer, district judge.

The claimant, The Atlas Steamship Company, Limited, having filed its claim in this cause to the steamship "Adula," her engines, boilers, tackle, apparel, furniture, &c., and having also filed a petition in pursuance of section # 4626 of the Revised Statutes of the United States, praying that the court would authorize and direct the delivery of said steamship "Adula," her engines, boilers, &c., to your petitioner on the filing of stipulation for the value of said steamer, with satisfactory security, and it appearing to the court that the said property has a peculiar and intrinsic value to the claimant independent of its market value, and that the rights and interests of the United States and the captors will not be prejudiced thereby: Now, on motion of Messrs. Garrard, Meldrim & Newman, proctors for the petitioner, and after hearing counsel for the respective parties—

It is ordered that the said steamship "Adula," her engines, boilers, tackle, apparel, furniture, and stores, including the coal remaining on board said steamship, be, and the same are hereby, directed to be delivered by the libellants and by the marshal of the United States to said claimant upon the said claimant filing with the clerk of this court its stipulation for the value of the said property, which is to be fixed as hereinafter provided, and the Fidelity and Deposit Com-

pany of Maryland, a corporation incorporated under the laws of Maryland, is hereby accepted as surety upon said stipulation, and the said stipulation shall stand in lieu of said property and shall be subject in all respects to the orders of this court hereafter to be made to the same extent as the said property would have been had it remained in the custody of the marshal of the United States.

31 And it is further ordered that the captain, officers, and crew of the said steamship be relieved from detention for the purposes of navigating said steamship to the port of Kingston, in the island of Jamaica, and that their personal property, exclusive of any letters or papers which may have been found in their possession, be restored to them respectively.

And it is further ordered that the value of said steamship, her engines, boilers, tackle, apparel, furniture, and coal, be appraised by John Screven, John M. Egan, and Clarence S. Connerat, who are hereby appointed appraisers for that purpose; that they proceed with all diligence to make said appraisement and shall certify the same in writing to the clerk of this court; that the amount of the stipulation aforesaid shall be the amount of such valuation, and that if the claimant within three days after the filing of said appraisement and notice thereof to the proctors for claimant shall fail to execute and deliver to the clerk of this court a stipulation, as aforesaid, then the said steamship "Adula," her engines, boilers, tackle, apparel, and coal, shall forthwith be sold at public auction in the city of Savannah or in such other place and on such other terms as the court may hereafter order.

Provide-, however, that if the proctors for the respective parties shall file an agreement in writing as to the value of said property before such appraisement is made it shall be received in lieu of such appraisement.

In open court, July 28, 1898.

EMORY SPEER, *Judge.*

Endorsement: In the United States district court, southern district of Georgia. United States *vs.* Steamship "Adula," her engines, boilers, etc. Order for bonding and appointing appraisers. Filed in office July 28, 1898. S. F. B. Gillespie, deputy clerk.

Marshal's Return.

Office of U. S. marshal, eastern division, southern district of Georgia.

SAVANNAH, GA., *July* 30, 1898.

I hereby certify that on this 30th day of July, 1898, at Savannah, Ga., in my district, I personally served the within order on John Screven, John M. Egan, and Clarence S. Connerat by showing to each the same, with the signature of the judge thereon, and at the same time delivering to each a copy thereof.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

32 *Report of Appraisers.*

In the District Court of the United States, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
vs.
STEAMSHIP "ADULA," HER ENGINES, BOILERS, ETC.

To the Honorable Emory Speer, judge of the district court:

The undersigned, appointed appraisers in this cause to appraise the value of the steamship "Adula," her engines, boilers, tackle, apparel, furniture, and coal, do hereby certify that they have this thirtieth day of July, 1898, diligently examined said steamship "Adula," her engines, boilers, tackle, apparel, furniture, and coal, and that to the best of their judgment and belief the value of same, exclusive of the coal, amounts to the sum of eighty thousand ($80,000) dollars; the coal, being about eighteen tons, is of the value of fifty-four ($54.00) dollars.

Given under our hands, at Savannah, Georgia, this thirtieth day of July, 1898.

JOHN SCREVEN.
JOHN M. EGAN.
CLARENCE S. CONNERAT.

Oath of Appraisers.

THE UNITED STATES
vs.
STEAMSHIP "ADULA," ETC. } Libel *in Rem.* Prize.

Before the undersigned personally come John Screven, John M. Egan, and Clarence S. Connerat, who, being duly sworn, each for himself deposes and says that, having been appointed appraisers to appraise *to* steamship "Adula," her engines, boilers, tackle, apparel, furniture, and stores, including the coal remaining on board said steamship, they and each for themselves solemnly swear to faithfully execute and discharge the trust to which they are appointed, as aforesaid.

JOHN SCREVEN.
JOHN M. EGAN.
CLARENCE S. CONNERAT.

Sworn to and subscribed before me this 30th day of July, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

Endorsement: United States *vs.* Steamship "Adula," etc. Oath of appraisers and report of appraisers. Filed July 30, 1898. S. F. B. Gillespie, deputy clerk.

33 *Decree of Condemnation.*

In U. S. District Court, Eastern Division, Southern District of Georgia.

THE UNITED STATES OF AMERICA
vs.
THE STEAMSHIP "ADULA," ETC.

The above-stated cause came on to be heard before the court upon the pleadings and upon the documents, papers, &c., and testimony taken *in preparatorio* before the prize commissioners and sent up to the court in conformity with the law and practice in such case and was argued by proctors for libellant and proctors for claimant; whereupon it is considered, ordered, adjudged, and decreed that the steamship "Adula," her engines, boilers, tackle, apparel, furniture, provisions, and supplies, is and was at the time of her capture lawful prize of war for an attempt to run the blockade, as charged in the libel, as well as enemy property, and was justly seized by Commander B. H. McCalla, of the United States warship Marblehead, and that the same is now condemned as a good and lawful prize to the United States. The court reserves the right at the foot of this decree to make such further order and decree relative to the sale or disposition of said prize property and the disposition of the proceeds as may be necessary to the adjustment of the several rights of the captors and of the United States and the practice in such cases may require.

In open court, July 28, 1898.

EMORY SPEER, *Judge.*

Endorsement: District court of the U. S., eastern division, southern district of Georgia. The United States of America *vs.* Steamship "Adula," her engines, boilers, etc. Libel *in rem.* Prize. Decree of condemnation. Filed July 28, 1898. S. F. B. Gillespie, deputy clerk.

34 *Notice by Claimant to U. S. Attorney.*

United States District Court, Southern District of Georgia, Eastern Division.

UNITED STATES OF AMERICA
against
THE STEAMER "ADULA," &C.

Take notice that upon the return day of the rule fixing the time and place for the hearing of the motion to take further proofs in this cause at Mt. Airy, in the State of Georgia, on the 9th day of August, 1898, at 4 p. m., we will read the affidavits of Robert Gemmell and W. Peploe Forwood, of which copies are herewith served upon you, and that upon said hearing we will move this honorable

court for directions respecting the sale of the "Adula," unless such directions shall previously have been given.

We will also move this honorable court for an order staying the distribution of the net proceeds of the sale, and we will further apply at the same time for such other relief as may be just.

Dated Savannah, August 3, 1898.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimant.

To Hon. Marion Erwin, United States attorney, Macon, Ga.

35 *Affidavit of Robert Gemmell.*

In the District Court of the United States, Southern District of Georgia, Eastern Division.

THE UNITED STATES OF AMERICA
against
THE STEAMER "ADULA."

UNITED STATES OF AMERICA,
Southern District of New York, } ss:

Robert Gemmell, being duly sworn, deposes and says:

1. I am the resident agent in the city of New York of The Atlas Steamship Company, Limited, the claimant herein, and am familiar with its business.

2. The steamship Adula is the property of said company, and is registered in the name of Sir William Bower Forwood, who is one of the managing directors of said company, pursuant to the common practice in England that vessels belonging to a corporation shall be registered in the name of a managing director resident in England, and he holds said steamer for the benefit of said company.

3. I annex hereto a copy of a statement of the facts relating to the voyages of the steamer Adula from Jamaica to Cuba. This statement was contained in a letter dated Kingston, July 12, 1898, and which was received by me in due course of mail on the 19th of that month. The letter was signed by W. Peploe Forwood, who is the agent of the Atlas Steamship Company in Jamaica. I know him well and have known him for years, and am satisfied from my personal acquaintance with him that his statements are in every particular entirely reliable, and that all the matters stated therein can be proved by him and by the other witnesses mentioned in said statement.

I have submitted the said statement to the counsel of the said claimant, Mr. Everett P. Wheeler, who resides in the city of New York, and am advised by him, after a careful examination of the said statement, that the facts stated therein are material and necessary to the case of the claimants in this action, and that justice requires that evidence of the said facts should be taken and submitted to the court in this action.

36 4. The affidavit of said Forwood, also submitted herewith, was drawn in Jamaica and sent to me in response to a cablegram asking him to send me attested copies of all the charters under which the Adula had made voyages to Cuba.

5. I am advised by said counsel and verily believe that the present case is peculiar in that the Adula had no cargo and went for none, and intended to do and in fact did nothing but seek the consent of the naval authorities of the United States in carrying out one of the officially declared objects for which the present war with Spain was to be prosecuted—that is to say, the relief, security, and protection of suffering non-combatants in Cuba and the removal of them from the abhorrent conditions in which they were innocently placed; consequently the formal interrogatories which alone were put to the witnesses were not adapted to and did not elicit the full truth respecting the issues in this case. From my knowledge of the business of the Atlas Steamship Company and of the current history of the United States during the present year, I state that every one of the allegations in the twelfth and sixteenth articles of the answer is true and can be proved if the court will order further proofs to be taken in this case.

6. I am informed by the said counsel for the said claimant and verily believe that upon the argument which was had in this court upon the proofs *in preparatorio* comment and criticism was made by the counsel for the United States and for the captors upon certain circumstances claimed to appear in evidence or to exist in the case, respecting which justice requires that further proof should be taken, so that the whole facts may be before the court.

The points referred to are as follows:

a. The non-production of the passport or consular letter claimed to have been granted by the Spanish consul at Kingston to Jose R. Solis. I am informed and verily believe that this passport or consular letter was given up with the other papers which were in the possession of Jose R. Solis to Captain McCalla, commander of the U. S. steamship Marblehead, and that said Solis would so testify.

37 I am further informed that the only object of the said passport was to enable the said Solis to obtain the consent of the Spanish authorities in the vicinity of Guantanamo, at Santiago or the vicinity ther-of, and at Manzanillo to take away refugees and non-combatants therefrom in case he should be permitted so to do by the authorities of the United States; that the laws of Spain require such a document, and that a similar document had been obtained for the Adula on the voyages previously made by her, which are mentioned in the aforesaid statement of said Forwood, and with the knowledge of and without objection from the United States consul at Kingston. In case the original should prove to be lost it will doubtless be easy to obtain a duplicate thereof from the Spanish consul at Kingston.

b. As to the voyage to Cienfuegos mentioned in the said statement, on which occasion certain packages containing provisions were landed in that port, I am informed and verily believe that

before the Adula sailed for Cienfuegos on said voyage the United States naval vessels which had been blockading that port had abandoned said blockade and sailed for Santiago, and that this was immediately after the information given them by Captain Walker, of the Adula, as mentioned in said statement of said Forwood, and that the blockade at Santiago was discontinued before the Adula sailed, and that the same can be proved by the officers of said vessels and by their official reports to the Navy Department and by the current history of that period of the war with Spain.

c. As to the course given in the Adula's log, it was stated that this would carry the vessel over the Formigas bank. I am informed and verily believe that, owing to the wind and currents prevailing at the time of the said voyage of the Adula, the course stated in the log was a proper one to steer, and that the effect of said winds and currents upon the Adula, which was in ballast, and consequently high in the water, would be, while she was steering on said course, to carry her west of the Formigas bank. The slight difference between her position given in said log as compared with *that* the course taken in it would have produced is to be accounted for in the same manner, and was the inevitable result of the condition of the winds, as shown in said log, and the current existing in said sea.

38 I am informed and verily believe that witnesses familiar with said navigation will so testify.

d. The Adula first directed her course towards the United States squadron off Santiago, and then sailed direct for Guantanamo. I am informed and verily believe that the true cause of this conduct of the Adula was that her captain expected that one of the U. S. vessels, which were well known to be off the port of Santiago, would come to meet him, and that application could in this way be made to him and to the commanding officer of the squadron, who was supposed to be off Santiago, for leave to enter the port of Guantanamo, and that Captain Yeates, of the Adula, will so testify, and that his reason for so doing was that no vessel came to meet him, though he was in full sight of them; that it was towards evening, and that if he went further towards Santiago it would be too late for him to enter the bay of Guantanamo that night. The coast was rocky and not lighted and the anchorage outside dangerous.

e. The charter permitted the Adula to proceed from Guantanamo to Santiago and from there to Manzanillo. I am informed by the said W. Peploe Forwood and verily believe that he will testify that he fully expected and believed that whatever should be done in respect of such journeying from place to place would be done under the supervision and control of the United States naval commanders, and that when the Adula sailed it was fully expected and believed by said Forwood and the public in Jamaica generally that Santiago would probably be bombarded at an early day; that in accordance with the laws of war the general commanding the United States army besieging Santiago would authorize non-combatants to depart therefrom, all of which shortly after July the first actually happened, as more fully appears from the current history of the time,

and the said Forwood in good faith actually believed (as I am informed by him and verily believe he will testify) that the military and naval officers of the United States would prefer the removal of said non-combatants and refugees from the vicinity of Santiago and would be glad to offer every facility to the Adula to make such removal, and it was also true that the cities of Manzanillo and Guantanamo were in like manner liable to be bombarded at any time and a like notice given to non-combatants in said cities.

39 And the fact that up to the time of the sailing of said Adula the Government of the United States had encouraged and facilitated the removal of refugees and non-combatants from the seat of hostilities in Cuba led said Forwood to believe and he did in good faith believe that no change in this respect had taken place in the policy of the said Government.

f. All cargo which had been placed upon the Adula for delivery in the course of the usual coasting voyage around Jamaica, upon the performance of which she was about to enter when she was chartered to said Solis, was discharged before she began said last-mentioned voyage. I am informed by said Forwood and verily believe he will testify that the sole object of discharging said cargo was to show beyond question that the voyage for which said Adula was chartered was undertaken solely for the conveyance of refugees and non-combatants from Cuba to Jamaica and because said cargo was delivered to the Atlas Company for transportation to Cuba, and said Atlas Company had no right to carry it to Cuba and no intention to do so.

g. The colored seaman, Morris, testified that before the Adula sailed for Guantanamo he had heard on the streets of Kingston that Guantanamo was blockaded. Claimant has had no opportunity to explain this statement, which is in terms contradicted by other witnesses. The fact is, as I am informed by said Forwood and verily believe he will testify, that it was well known in Kingston and had been for some weeks that Guantanamo was in the full and undisturbed possession of the United States naval forces, and that this was understood to be, not a blockade of the bay, but a possession of it, although Morris erroneously called it a blockade.

h. Said Solis was born in Cuba, and testifies that he owed allegiance to Spain, and it was claimed that he was an enemy of the United States. I am informed by said Solis and verily believe that he will testify that he originally and before the people of Cuba were declared by joint resolution of Congress to be free and independent owed allegiance to the Queen of Spain, but that soon after war broke out he left the island of Cuba and had taken no part in hostilities against the United States nor been in any particular an enemy of the same, but, on the contrary, had done all in his

40 power while he remained in Cuba to befriend and assist citizens of the United States who were still in Cuba, and that he cast in his lot with the natives of Cuba and was desirous that a stable government should be established in said island under the auspices of the United States; and I am further informed by said Forwood and I verily believe he and his clerk in Kingston will so testify

that before he would charter the Adula to said Solis he (said Forwood) caused diligent enquiry to be made in Kingston concerning said Solis, and was satisfied as the result of such enquiry, and that the fact was that said Solis was a person of the character before stated in this paragraph and was trustworthy and would not in any particular take advantage of any permission that might be granted him to pass through the American lines to communicate aid or information of any sort to the Spaniards or to persons in arms against the United States.

i. Ten letters were found on said Solis, written by persons in Jamaica to persons in Cuba. I am informed by said Forwood and verily believe he will so testify that he had no knowledge, information, or suspicion that said Solis would take any letters from Jamaica to Cuba, and I am informed and verily believe that said Solis will testify that said letters were taken by him at the last moment solely in answer to the importunities of persons who for a long time had no opportunity of communicating with friends in Cuba; that he originally did not intend to take any letters; that he did not conceal the same and would cheerfully have submitted them to the inspection of the United States naval officers, and not have undertaken to pass the same through the lines without their consent.

j. Certain letters were found in the possession of said Solis which, it was claimed, showed that he had before been engaged in trade between Cuba and Jamaica during the present war between the United States and Spain. I am informed by said W. Peploe Forwood and verily believe that he will testify that he had no knowledge, information, or suspicion when he chartered the Adula to Solis that the latter had ever been engaged in said trade, and I am informed and charge the fact to be that said letters do not show that said Solis was ever in fact engaged in any trade with blockaded ports or with any ports in Cuba, intercourse with which was
41 unlawful during said war, and that in fact large portions of the island have been ever since the declaration of war occupied by friends and not enemies of the United States, co-operating with them to drive the land and naval forces of Spain from Cuba and Cuban waters.

k. Six letters were found on said steamer addressed to persons in the United States by persons in Cuba, and particularly addressed by agents for American citizens whose principals resided in the United States to their said principals. I am informed by said Forwood and verily believe that he will testify that he had no knowledge, information, or suspicion that said letters were brought on the Adula, and I am informed and verily believe that William Walker, the former captain of the Adula, will testify that said letters were brought by him from Cienfuegos at a time when that port was not blockaded and solely as a matter of courtesy to the writers and to the persons to whom they were addressed, and that said letters are wholly letters of business or friendship, and contain nothing which might not lawfully have been permitted to pass through the American lines.

R. GEMMELL.

Sworn to before me this 3rd day of August, 1898.

HARRY M. HEWITT,

[SEAL OF NOTARY.] *Notary Public*, 190, *N. Y. Co.*

42 *Statement Referred to in Annexed Affidavit.*

The first voyage of the "Adula" was undertaken entirely through the agency of Mr. Dent, the United States consul here, who quoted me the figures for the payment of the ship, which were guaranteed by Mr. Fowler at Cienfuegos. I accepted the voyage, but there was no written charter.

The vessel on arrival off Cienfuegos was boarded by two lieutenants of the U. S. warship "Marblehead," to whom was shown the permit and the papers of the ship. Lieutenant Anderson served the captain with a printed copy of the President's proclamation of the blockade of Cienfuegos and several ports on the north side of Cuba, and wrote on the ship's register that he had done so.

The lieutenant then left the vessel, and the "Marblehead" steamed close alongside her, and an officer from the bridge asked the captain if he would take some letters. He replied that he would, and he sent on board a number of loose letters, and then the captain was informed that he could proceed.

The ship arrived at Cienfuegos, was granted pratique, and the following day, at 2 p. m.—that is, on May 10th—the ship sailed with 350 passengers, mostly women and children. When she arrived outside of the port the vessel was again boarded by the same two officers. Lieut. Anderson was informed by one of the passengers where the cable was landed. The captain was asked from the "Marblehead" if he would take a mail, and in return for the courtesy he had received he replied, "Yes." A mail bag was then sent on board, and he was allowed to proceed on his voyage. He arrived at Port Royal on Thursday, the 12th, at 10 a. m., was placed in quarantine, and the loose letters and mail bag were delivered to Dr. Neish, the health officer, and were sent up to the American consul. The ship was admitted to pratique on Sunday, the 15th.

On the 16th May a Cuban refugee resident in this city chartered the vessel to proceed on a voyage to Santiago, to carry refugees. She sailed on the 16th May and arrived on the 17th, sailed the same day at 4 p. m., with 200 passengers, mostly women and children, and proceeded on her voyage. No warship of either kind were off Santiago. On her voyage, however, to Kingston she sighted the lights of a squadron of seven ships steering to the north-

43 ward. They did not speak the ships.

The ship arrived in Kingston on Thursday p. m. of the 19th and landed her passengers.

On the 21st May the vessel was again chartered, the chartering being done through the British consul from Cienfuegos, partly by cable and partly by his representative here. When going to clear at the Spanish consul we had considerable trouble with him on account of our having brought from Cienfuegos the previous

voyage letters to the United States consul from the warships off the port. I, however, got over the difficulty, and the vessel sailed at 7 p. m. We, not having been successful in getting the seamen out of the hospital, had a permit from Washington, through Consul Dent, to pass the blockade.

At 9 a. m. of the 23rd the vessel arrived off the blockade fleet and steamed towards them. The ship stopped and a boat of one of the blockade vessels boarded her. The officer was shown the ship's papers, and he instructed the captain of the ship to steam down to the flagship, which was the "Brooklyn," Commodore Schley. When she arrived at that ship she lowered a boat and sent an officer on board (the captain states he thinks he was the commander). He overhauled the papers of the vessel and asked the captain of the "Adula" several questions. Capt. Walker informed the commander that the previous week he had been to Santiago, and the commander asked him a lot of information as to the defences of the place, which the commander took down in a note book. Captain Walker also told him that a number of torpedoes, he had heard, were placed in the channel at Santiago, with electrical communication to a little hut. He described the hut and how it was hidden by branches of trees. He also told him of what provisions were in the port and of the squadron that he had passed on the voyage, and that before he left Kingston a cable had been received that the Spanish squadron had arrived at Santiago. He was unable to give any information, although asked, as to the size of the different ships, as he passed them at night-time. The commander then went on board the "Brooklyn," first informing Captain Walker to steam close alongside the flagship "Brooklyn." He did so, and the commodore then asked him several more questions about the Spanish fleet, which he answered to the best of his knowledge. He was then given
44 permission to proceed. He then remembered that he had a file of Kingston newspapers on board, and asked the commodore if he would like them. The commodore sent another boat to take these papers, and this officer asked Capt. Walker as to the defenses of Cienfuegos, and if it would not be possible to take the place by a night attack. Capt. Walker said that there were no heavy guns at the place, but that it was lined by torpedoes, and that on each side of the entrance there were a number of torpedoes, and that on each side of the entrance there were a number of masked batteries, and there were a large number of soldiers at the entrance of the harbor. The officer then left and the ship then proceeded into Cienfuegos. He entered off the port at 1 p. m., and on the pratique officer coming on board he found an extra man on board, which was a waiter who I had put on board to take care of the passengers the ship had gone for. The pratique officer immediately consluded that as the vessel was communicating for so long a time with the fleet outside that this extra man must be an American officer. He would listen to no reason, and arrested the ship and put an armed tugboat to guard her. She was kept there for sixty hours and was released on representations of my managers in Liverpool, who I had cabled to and who communicated immediately with the foreign office. The

vessel sailed on the 26th May direct for Kingston, and when he got outside, to his astonishment, there was not a United States warship in sight. He arrived in Kingston on the 28th May and landed his passengers.

The vessel then made two of her ordinary coasting voyages round Jamaica, when I was offered a further charter for Cienfuegos on a similar business. On this voyage I asked Mr. Dent if he could give me a pass to go through the blockade, should one be there, but he informed me that he was unable to do so, as it was beyond his authority. In this conversation I informed Mr. Dent that owing to her having innocently carried a bag of mails from the "Marblehead" on a previous voyage that I was having considerable trouble with the Spanish consul, and that he would not clear the ship without I took a full cargo, and that the vessel had in consequence been delayed three days on my refusal to do so, but that he had finally consented to clear the vessel if I took some extra stores, which, if not needed by the passengers, could be landed.

45 Mr. Dent not only did not warn me this voyage, but he gave me a mission to undertake, and that was as follows:

The Spanish steamer "Purisima Concepcion" was in the harbour loaded and ready to sail, and he asked me to instruct Captain Walker that if he saw a warship on the voyage to tell him of the sailing of this vessel and to keep a lookout for her within a certain radius which the consul described to me on the chart in my own office. He said if I could do this he did not anticipate the ship would have any trouble in getting into Cienfuegos.

It may be as well for me to here distinctly deny absolutely that the consul warned me in any way what ever against making the contemplated voyage.

I gave the necessary instructions to Captain Walker, of the Adula, and the ship sailed at 4 p. m. on Wednesday, the 15th of June, with a letter of instructions to the captain to proceed to the fleet off Cienfuegos to ask permission from them to enter the port, and, if granted, to go in, and, if not granted, to return to Jamaica, where my charter, which is contained in a simple letter, terminated.

The morning after she sailed, at 10 a. m., the U.S. cruiser "Yosemite" arrived in this port for repairs and stores. At four o'clock of the same afternoon I was asked to go down to the United States consulate to meet Capt. Emory, of the "Yosemite." I met this officer, and in conversation with him I said to him that it was most unfortunate that he did not stay out longer, as he would have caught the Spanish steamer, and I asked him if he did not see the Adula, and he replied that he saw the Adula off the coast and passed her at 2 in the morning. I told him it was unfortunate he did not communicate with her, as the captain had my orders at the instigation of the consul to inform any cruiser that he saw as to the sailing of this Spanish ship. Capt. Emory replied that the Adula could not have seen him, as he was going along without lights. This conversation I mention as a proof of my statement as to Consul Dent having given me a mission to undertake on the voyage that I went to Cienfuegos without a permit.

The conversation took place in the consulate and in the presence of Consul Dent, and I am sure that if Capt. Emory is ques-
46 tioned as to it he will verify my statement. The Adula, however, on her voyage met no warships of whatever nature. On her arrival at Cienfuegos, there being no warships there, the captain went into the port, arriving in on the 17th of June at 11 o'cl'k. She sailed on the 19th with 98 refugees.

Now, I wish to be particularly clear as to the stores the ship was chartered to carry, and I was asked to provide for a large number of passengers. When the vessel arrived the charterer's agent, a Mr. Salines, a Cuban, had only 99 passengers instead of 600 or 700. This left a quantity of extra stores on board, and the captain allowed the charterer, Captain Baxter, to land them on his own account. I have not a list of them, but am prepared to swear that they did not exceed 140 or 150 packages (barrels); and it was only on the representation of distress amongst the inhabitants of the place made to him that he was induced to land any. Typhus fever was at the time raging in the place, and his stores were taken by Mr. Salines for retain purposes amongst the inhabitants.

I mention the circumstances of these stores in order to place before you absolutely the entire truth of the whole transaction of the doings of the Adula in her visits to the island of Cuba.

When the vessel left Cienfuegos she found no vessels outside, but 60 miles S. S. E. from Cienfuegos she spoke the U. S. S. "Yankee," who stopped her and sent a boat with an officer on board. Captain Walker informed this officer of the voyage and showed him his instructions and the ship's papers, and that he had gone into Cienfuegos and had the passengers on board, and that the U. S. S. "Yankee" was the first U. S. warship he had seen since he had left Kingston. He looked up the passenger list, a copy of which the captain offered to give him.

They both went on board the S. S. "Yankee," and the following conversation took place between the captain of the "Yankee" and Captain Walker. The captain of the "Yankee:" "You are from Cienfuegos, Captain?" Captain Walker: "Yes." Captain of the "Yankee:" "Cienfuegos is blocked, and you must not go back, Captain." Captain Walker: "Very well, sir; all right." Captain of the "Yankee:" "I am sorry to have detained you, Captain; you can proceed. Good-bye." Captain Walker: "Thank you. Good-bye." The vessel proceeded to Kingston and arrived here on the 21st June.

47 The vessel then went around the island on her ordinary coasting voyage and returned here on the 27th June. On the evening of the 27th June a Mr. Solis called at the office at 4.30, he having just arrived by the train from Montego bay, having landed from Manzanillo with a cargo of refugees. He was informed that office hours were over, to call again next morning, which he did at 10 a. m. Mr. Solis wanted to charter the vessel for a voyage to Guantanamo, Santiago, and Manzanillo for the purpose of taking off refugees. While I was in conversation with him I had one of my clerks out in the town to enquire who Mr. Solis was, and, hav-

ing got full information that his voyage for refugees was *bona fide*, I chartered the vessel to him, and he left my office at 11.30, with a copy of the agreement in his pocket, and went to the United States consul and showed the agreement to him and asked him for a permit to go through the fleet. I am not aware what the reply was. He gave the copy of the charter-party to Mr. Dent to read (and Mr. Dent acknowledged to me the following day that he had read it at 2 p. m.). The vessel was ordered to be ready for sea at 4 o'clock. Captain Walker being ill, she was taken charge of by her chief officer, Mr. Yeates, to whom I gave a letter of instructions.

As I was leaving my office at 20 minutes to 5 and a few minutes (say ten) before the ship sailed (she ought, however, to have sailed at 4 o'clock) Mr. Dent came into my office, and I must now give you in detail what occurred and the conversation that took place. You must excuse my giving you this detailed statement and the unofficial language which it will contain, but I give it to you as it occurred, without reference to officialism. I said, "Hello, Dent; what can I do for you?" Then he casually remarked, "Oh, nothing;" then I said, "I was just going home; come in and have a whiskey and soda." He came into my private room, and we sat on the table together. As we were having our drink he asked me if the "Adula" had sailed, and I said, No; she was going in five minutes or was just going off. He replied, "Well, Forwood, I would not advise you to let the ship go; they won't let her into Guantanamo, and they will be watching for her." I said to him, "Oh, Dent, let me show you the captain's instructions. He has got orders to go to the fleet there and ask their permission to take some refugees." "Well," he said, "I don't know, but they will be
48 watching for her, and I think that Senor Solis is a Spanish agent, carrying $300,000 in gold to buy over the rebels in the American camp." I told him that I had enquired about the man, and that it was one of the usual Kingston yarns. He simply shrugged his shoulders, talked about some other matters for a minute or two, we finished our drink, and he left the office. Prior to his leaving he sent a telephone message to his office; about what I do not know.

This is all the conversation I had with Mr. Dent about the voyage, and I am quite sure that you will agree with me that it would be beneath the dignity of the United States consul to convey an official warning in such a manner, especially when he knew the entire particulars of the voyage the ship was going on from, by his own acknowledgment, two o'clock in the afternoon. It never dawned on me for a moment that the purpose of the United States consul in my office was official, and that he was conveying to me an official warning.

As matter of fact, the way it was said to me I took it more as a chaff than anything else.

If Consul Dent had intended to convey to me a warning and had written a dispatch to me, the charter would never had been made, or if Consul Dent when he came to my office had stated, "Captain Forwood, I beg to officially warn you, as United States consul,

against sending the 'Adula' on the contemplated voyage" I should never had dreamed of despatching the ship; but, taking it as I did, simply as an idle talk in unofficial hours and over, as I stated in the letter, a whiskey and soda, I appeal to you whether this could be considered in any way whatever as an official warning to me from so high an officer as the consul of the United States of America resident in Jamaica.

I would further point out to you that the official notification of the blockade of the three ports—Guantanamo, Santiago, and Manzanillo—was not declared by this Government here until the 6th of July, 1898.

But if I had been warned officially by the consul not to send the ship, even although the proclamation of the President was unknown to this island at the time, I would not have taken the risk of sending the vessel.

The ship sailed ten minutes after the consul left the office.

49 *Form No. 89. Certificate that Officer is Qualified to Administer Oath (Paragraphs 188 and 446).*

I, Lewis A. Dent, consul of the United States of America at Kingston, Ja., do hereby certify and make known to whom these presents shall come that R. A. Walcott, before whom the annexed affidavit of W. Peploe Forwood hath been made, is a notary public, duly authorized to administer oaths and affirmations and take declarations in lieu of oaths, and that I believe the deponent is worthy of credit and qualified to verify the annexed affidavit.

In testimony whereof I have hereunto set my hand and seal of office, at Kingston, Jamaica, aforesaid, this fourteenth day of July, 1898.

[SEAL.] LEWIS A. DENT,
U. S. Consul.

I, Wellington Peploe Forwood, of the city and parish of Kingston, in the island of Jamaica, in the British West Indies, being duly sworn, make oath and say as follows:

1. That I am the agent in this island of the Atlas Steamship Company, Limited, who are the owners of the British steamship "Adula."

2. That on the seventh day of May, one thousand eight hundred and ninety-eight, in pursuance of a verbal arrangement made between myself and Lewis A. Dent, Esquire, the American consul in this city, on behalf of Mr. Fowler, I despatched the said steamship "Adula" to Cienfuegos, in Cuba, to bring away refugees, without any written agreement or charter-party. The said steamship duly performed the said voyage and returned to Kingston, Jamaica, on the fifteenth day of May aforesaid, and that was the first voyage of the said steamship to Cuban ports.

3. That on the sixteenth of May aforesaid the said steamship "Adula" was again despatched to Cuban ports in pursuance of a charter-party entered into by me with a Mr. Portundo. The ship

returned to Kingston on the 19th day of May, 1898, and subsequently on the final settlement of all the matters in relation to the voyage the charter-party was destroyed; but I find that an impression of the said charter-party was taken off in my letter book, which impression I say is a true copy of the original, and, having been cut out of my said letter book, is now hereunto annexed and marked with the letter A.

50 4. That the next voyage of the "Adula" was under a charter-party with Mr. Fowler. She was despatched from Kingston on the 21st of May, 1898, and returned on the 28th of the same month. On the final settlement of the accounts for the voyage the charter-party was also destroyed as being no longer required; but a true impression of it was also made in my letter book, which, having been cut out, is also hereunto annexed and marked with the letter B.

5. That the fourth voyage was made under a charter-party with Captain Baxter, the original of which is hereunto annexed, marked "C." The ship was despatched on this voyage on the 15th day of June, 1898, and returned to Kingston on the 21st day of the same month.

6. That the fifth voyage was commenced on the 28th day of June, 1898, under a charter-party with Jose R. Solis, which charter-party is hereunto annexed, marked D.

7. That the said steamship has never returned to Jamaica, and I have never seen her since the 28th day of June, 1898.

8. That the several voyages of the said steamship "Adula" were severally entered upon and performed for no other object or purpose than those stated on the face of the said documents hereinbefore mentioned, and that the said ship never performed any other voyages to Cuban ports.

W. PEPLOE FORWOOD.

Sworn to at the city and parish of Kingston, in the island of Jamaica, this fourteenth day of July, A. D. 1898, before me—

R. A. WALCOTT,

[SEAL.] *Notary Public, Jamaica.*

51 A, May 16th, 1898.

It is hereby mutually agreed between Mr. Portundo, at present residing in this city, and the Atlas Steamship Company, for the chartering of the S. S. "Adula" to go to Santiago de Cuba and back to Kingston on the following terms:

Mr. Portuondo to pay the sum of £500 for any number of passengers up to 250, children under 11 years counting two for one. Any number over 250 and up to 300 the payment to be made is £600. Over and above 300 passengers taken on board to be paid for at the rate of £3 per head. The port charges in Cuba are to be paid by Mr. Portuonda, the passengers to accept what accommodation the ship can give, and to feed themselves at their own expense, water only to be supplied by the ship free of charge. The risk of quarantine is for ship's account; but in case of quarantine, Mr. Portuondo is to pay the Atlas Steamship Co. at the rate of 4/ per

day or part of the day for each and every passenger that is on board. 24 hours to be allowed the ship in Cuba, the time occupied in embarking passengers above that to be paid for at the rate of £100 per 24 hours.

Signed for and on behalf of—

THE ATLAS STEAMSHIP CO.
W. PEPLOE FORWOOD,
General Agent, Ja.

Signed by and for—

Mr. PORTUONDO.

This is the document referred to in the affidavit of Wellington Peploe Forwood as thereunto annexed, marked A. Dated this 14th day of July, 1898.

W F.

R. A. WALCOTT,
Notary Public, Jamaica.

"B," May 21st, 1898.

It is hereby agreed between Mr. Fowler, at present residing in this city, and the Atlas Steamship Co. for the chartering of the S. S. "Adula" to go to Cienfuegos forthwith, and Trinidad, if so ordered at Cienfuegos, and back to Kingston, on the following terms:

Mr. Fowler to pay at the rate of £100 per day, with a minimum payment of £500, quarantine detention at the risk of the owners of the ship. This sum will include 200 adult passengers, 2 52 children under 11 years of age to be taken as one adult, children under three years free. Passengers to be victualled by the ship at the rate of 4/ per day or part of a day; this sum to be paid with charter money. Port charges and passenger tax to be paid by the charterers. The ship is to provide authority to pass the blockade at Cienfuegos. Should Trinidad be blockaded and the fleet prevent the vessel from entering, she is to proceed to Jamaica without any deductions to be made from the moneys to be paid under this agreement.

Should the charterers exceed the number of 200 passengers, they
Two I W F
are to pay the company at the rate of £2 per adult, and children as above; that is, two children under 11 years to count as one passenger and children under three free.

W F W a w

The minimum charter money, £500, victualling of passengers at 8/ per head, and extra passengers carried as per this agreement, is to be paid at Cienfuegos by Mr. George R. Fowler before the sailing of the ship; and any balances, should there be any, to be paid here in Kingston by Mr. Fowler out of a deposit to be made by Mr. George R. Fowler to Capt. Walker of £200.

Spanish sovereigns to be taken at nineteen shillings and three pence.

For THE ATLAS STEAMSHIP COMPANY,
W. PEPLOE FORWOOD, *General Agent, Ja.*

The foregoing two sheets of paper constitute the document referred to in the affidavit of Wellington Peploe Forwood as thereunto annexed, marked "B." Dated this 14th day of July, 1898.

W F.

R. A. WALCOTT,
Notary Public, Jamaica.

53 "C."

KINGSTON, JA., *June 12th*, 1898.

Capt. W. Peploe Forwood, Atlas S. S. Co.

DEAR SIR: In reference to our conversation on the subject of chartering the "Adula," I will take the ship for the conveyance of refugees from Cienfuegos to Kingston on the terms you name—*i. e.*, I will pay you the sum of £900 for the voyage, you taking quarantine risks. It is understood that the voyage is to be wholly and solely for the carriage of refugees and for no other purpose.

Should you wish me to make a more formal charter-party, I shall be prepared to do so. I remain, dear sirs,

Yours faithfully, P. H. BAXTER.

I accept for the Atlas S. S. Co.

W. PEPLOE FORWOOD,
General Agent, Ja.

This is the charter-party referred to in the affidavit of Wellington Peploe Forwood, as thereunto annexed, marked C. Dated this 14th day of July, 1898.

W. F.

R. A. WALCOTT,
Notary Public, Jamaica.

[Seal of R. A. Walcott, Notary Public, Jamaica.]

"D."

It is hereby mutually agreed between the Atlas Steamship Company, Limited, hereinafter called "the company," and Mr. José R. Solis, hereinafter called the charterer, as follows:

That the company put at the disposal of the charterer the steamer "Adula" for the conveyance of passengers from Cuban ports hereinafter to be named, to Kingston. The ports that the vessel is to go to are Manzanillo, Santiago, and Guantanamo; but it is distinctly understood and agreed by the parties aforesaid, that it shall not be deemed a breach of this agreement should the steamer be prevented from entering any of those ports from causes beyond the control of the company, but that should she be able to enter one or all of them, she shall embark the passengers that the charterer shall engage for her and proceed on her voyage. If she is not permitted to enter either Manzanillo, Santiago or Guantanamo the
54 vessel is to return to Kingston and the voyage shall be considered completed, and the charter money hereinafter referred to earned without any deductions.

The company reserves the right to refuse to take any passengers that in the captain's opinion *is* in such a state of health as may seriously interfere with obtaining of pratique at Port Royal. The passengers are to be provided with such accommodation as the ship can offer at this moment, and are to be provided with victualling at the company's usual scale of charges, the victualling to be paid by the passengers.

The port charges are payable by the charterers, and the charterer is to provide a good and efficient Government pilot to conduct the ship safely into the ports which have been named. Should she be permitted to enter them, the charterer guarantees that the proper and efficient clearances shall be obtained for each port, so that the ship shall not be subjected to any fines for breach of regulations. For these services the charterer shall pay the company for the hire of the vessel one hundred pounds per day or part of a day for the first ten days of the voyage. After the expiration of the first ten days, the charter money shall be at the rate of fifty pounds per day or part of a day, and it is agreed that the charter money shall count from the time the ship leaves the wharf at Kingston until she returns to the wharf at Kingston. A minimum payment however, is agreed to of five hundred pounds.

On the signing of this agreement the charterers shall pay to the company the sum of one thousand pounds as a deposit for the payment of the charter money. The company herewith give their undertaking to the charterer that should the charter money be less than the amount of deposit, that they will refund to the charterer the balance on demand, it being always understood that a minimum payment of £500 is payable by the charterer.

It is understood that the company shall provide all coals, stores and crews' wages.

Signed in triplicate this twenty-eighth day of June, one thousand eight hundred and ninety-eight by the parties aforesaid.

For THE ATLAS S. S. CO., LTD.,
W. PEPLOE FORWOOD.
JOSÉ R. SOLIS, *Charterer.*

55 Should the vessel be stopped for repairs to machinery or through being stranded, the time she is stopped and (or) aground shall not be counted as time under the attached agreement.

The company will provide the charterer with a boat and crew for the purpose of entering any of the ports named in the agreement attached.

The company will give the option to the charterer for another voyage similar to this on similar terms, providing the charterer gives the company twenty-four hours' notice after the arrival of the steamer in Kingston, the voyage to commence, if the ship be ready, twelve hours after the expiration of the twenty-four hours.

For THE ATLAS S. S. CO., LTD.,
W. PEPLOE FORWOOD,
General Agent.
JOSÉ R. SOLIS, *Charterer.*

The foregoing three sheets of paper constitute the charter-party referred to in the affidavit of Wellington Peploe Forwood, as thereunto annexed, marked D. Dated this 14th day of July, 1898.

W F.

R. A. WALCOTT,
Notary Public, Jamaica.

Endorsement: U. S. district court, southern district of Georgia, eastern division. The United States of America against The Steamer Adula. Notice and affidavits of Robert Gemmell and W. Peploe Forwood. Filed in clerk's office August 15, 1898. S. F. B. Gillespie, dep. clerk.

56 *Answer of the United States to Motion to Take Further Proofs.*

United States District Court, Eastern Division, Southern District of Georgia.

THE UNITED STATES OF AMERICA
versus
STEAMSHIP "ADULA." } Libel. Prize.

And now comes the United States, by Marion Erwin, United States attorney, and for answer to said motion, as set forth in the affidavit of Robert Gemmell, says:

1. That Gemmell is a resident of New York and agent of the Atlas Steamship Company is not disputed.

2. That the steamer Adula is registered in the name of W. *B.* Forwood is not disputed, but appears from the certificate of registry already in evidence; nor is it disputed that he is a managing director, and that W. P. Forwood is resident agent at Kingston; that the vessel is owned in England, subject to whatever rights the evidence shows Don Jose R. Solis had in her at the time of the capture, is not disputed.

3. That Gemmell received the statement of facts mentioned from W. P. Forwood by due course of mail on July 19, 1898, and that Gemmell believes them to be true, is not disputed.

4. That the affidavit of Forwood, mentioned in the 4th paragraph of Gemmell's affidavit, was sent to him as stated, is also not disputed.

5. That Gemmell, a resident of New York, may believe the allegations contained in the 16th article of the answer of claimant to libel to be true is not disputed. It does not appear that he knows anything about the facts otherwise than through the papers and exhibits attached to his affidavit, which will be hereinafter considered.

6 (*a*). That counsel for the United States commented on the nonproduction of the passport or consular letter shown by the evidence to have been given by the Spanish consul at Kingston to Don Jose R. Solis, and which letter is not among the papers captured upon the Adula. is admitted. Don Jose R. Solis has already testified that he

turned over all his papers to Commander McCalla and Lieutenant Anderson at the time of the capture. Lieutenant Anderson, in his affidavit made in accordance with the statute, declares that he turned over all the papers seized by him under the direction of Com-
57 mander McCalla to the prize commissioners. He makes a complete schedule by name of the different papers, and swears that all the papers were delivered without suppression or fraud to the prize commissioners. The fact that the passport was suppressed is the material part of the evidence, and a production of a certified copy from the Spanish consul would not throw any light upon the case. The evidence of Mr. Solis is already before the court and the affidavit of Mr. Anderson was read before the court at the hearing in preparatorio. No new proof on that point would throw any light upon the question. The suppression of the passport at the time of the first capture, taken in connection with the fact that Don Jose R. Solis was placed on the crew list under the name of J. R. Solis, supercargo, at the suggestion of Captain Forwood before the vessel left Kingston, and the fact that the clearance of the vessel was only for the port of Guantanamo indicates a strong purpose on the part of the Adula and her owners and the charterer to conceal from any American warship which they might meet at sea or off Santiago or at Guantanamo the fact of the charter of the vessel to a Spaniard and the full scope of the intended voyage. Mr. Solis would not be allowed to go on the stand now to explain any withholding of the passport at the time the ships were seized.

6 (*b*). That Gemmell was informed that the blockade of Cienfuegos had been abandoned by the American fleet before the Adula made her third trip into that port, on June 19th, may be true. It does not make it a fact, however, and that he was informed that the blockade at Santiago was discontinued before the Adula sailed, and that the same can be proved by the officers of the vessels and by their official reports to the Navy Department and by the current history of that period of the war with Spain, may be true, but the fact that Gemmell had such information would not make it true. It is known by current history that Cervera was shut up in Santiago for many weeks prior to July 3rd, when he attempted to break through the American fleet. The capture was on June 29th, just four days prior to the great naval battle of July 3rd. So far
58 as the third trip to Cienfuegos is concerned, it may be true that the American war vessels off that port on or about the 21st of May temporarily left the station in pursuit of Admiral Cervera's fleet into Santiago.

If that be true, still there was no counter-proclamation from the President of the United States withdrawing notice of the blockade, and the Adula had no right to presume from the mere fact that she failed to see any warships on her outward trip from Cienfuegos on her last permitted trip, as aforesaid, that there was a raising of the blockade. At best she could only claim to be exempt from capture on the third trip because of the fact that she had gotten into the port under circumstances which showed that at that particular time the blockade was not effective, although on her outward voyage she

did not escape being boarded by the Yankee. We are not proceeding to forfeit the Adula because of that trip, however, but the evidence as to that trip shows conclusively that the Adula was engaged prior to the time of her seizure in running into ports declared officially blockaded and taking chances of running in with large quantities of supplies and taking out persons and officials of all character whenever she was so fortunate as to find the blockading squadron off their guard. The third trip to Cienfuegos demonstrates conclusively the business in which the Adula was engaged, whether she was technically subject to forfeiture for her acts on that trip or not.

6 (*c*). The evidence as to the false course given to the Adula as entered on her log appears in the evidence of Lieutenant Anderson taken *de bene esse*. As this was not considered by the court on the first hearing, new evidence to meet it is, of course, not in place. The reasons for the course he did take, which brought him out within ten miles of Santiago, are fully and sufficiently stated by Captain Yeats, all of which the court has before it, and therefore there is no occasion for any new testimony on this point. It is a matter wholly within his own mind, and he cannot now be properly recalled to change his testimony.

6 (*d*). The matters herein stated are within the breast of Captain Yeats, who has testified fully as to them already, and if his
59 reasons given for going by Santiago are not satisfactory they arise from all the circumstances in the case.

6 (*e*). That Mr. Gemmell believes the various things stated in paragraph 6 (*e*) of his affidavit may be true. They are all stated on information of Mr. Forwood, and the information of Mr. Forwood is attached as an exhibit and will be considered further on herein. The matters of belief on the part of Forwood therein stated, however, furnish no legal excuse for the conduct of the vessel.

6 (*f*). That the purpose of discharging the cargo at Kingston before the sailing of the Adula was as therein stated is immaterial.

6 (*g*). The evidence suggested from Captain Forwood in paragraph 6 (*g*) of Gemmell's affidavit, when placed in juxtaposition with that suggested from the same source in paragraph 6 (*e*), shows conclusively full knowledge on the part of Captain W. P. Forwood, the owner's agent at Kingston, of the actual investment and blockade of Guantanamo, and instead of explaining the testimony of Morris strengthens it. In said paragraph 6 (*g*) it is claimed that Forwood will testify as follows: "That it was well known in Kingston and had been for some weeks that Guantanamo bay was in full and undisturbed possession of the United States naval forces, and that this was understood to be not a blockade of the bay, but a possession of it." In paragraph 6 (*e*) it is stated that Forwood will testify "that in good faith he actually believed that the military and naval officers of the United States would prefer the removal of such noncombatants and refugees from the vicinity of Santiago, and would be glad to offer every facility to the Adula to make such removal, and it *was* also true that the cities of Manzanillo and Guantanamo

were in like manner liable to be bombarded at any time and like notice given to non combatants in said cities." These two statements put together show knowledge of the actual investment of the mouth of the harbor by the Americans and the possession of the interior port by the Spaniards.

60 6 (*h*) Solis has testified positively and unequivocally his loyalty and allegiance now to Spain, and the evidence shows conclusively his le-al loyalty to Spain throughout the Cuban and American war. He would not be allowed to change his testimony after consulting his counsel. The other suggestion that Captain Forwood's testimony be taken to show that he made diligent enquiry in Kingston about Mr. Solis by means of a clerk before he made the charter "and found that said Solis was a person of the character before stated in this paragraph and was trustworthy," etc., would amount to nothing if it was taken.

The circumstances of Mr. Solis' relations with the Spanish consul, his previous business—running in supplies to Spanish ports in Cuba—were all known to Captain Forwood, according to his own admission, as likewise was the fact that he was just from Manzanillo, his home, then in the possession of the Spanish forces.

6 (*i*). Mr. Solis has already testified all about the letters mentioned in this paragraph to the same effect as suggested, and there is no occasion for any new testimony from him.

6 (*j*). The suggestion that the testimony of W. P. Forwood be taken to show that he did not know the previous business in which Mr. Solis was engaged and to the fact that a large portion of said island of Cuba was occupied by friends and not enemies of the United States, and that intercourse with such parts was not interdicted ought not to be seriously taken. On page 10 of the statement of Mr. Forwood attached to said motion the following statement appears:

"On the evening of the 27th of June a Mr. Solis called at the office at 4.30, he having just arrived by train from Montejo bay, having landed from Manzanillo with a cargo of refugees."

If it did not otherwise appear, as it does in the evidence, that Manzanillo was in the actual possession of the Spaniards at the time, and therefore that Mr. Forwood must have known that Don Jose R. Solis was a Spaniard trading from a Spanish port, the court would take judicial notice of the fact that all the ports of Cuba were held by the Spaniards and not by the Cuban insurgents, the suggested friends mentioned in the paragraph, the fact having been repeatedly stated in several state papers addressed by both President Cleveland and President McKinley to Congress as a reason for not recognizing belligerency.

61 6 (*k*). The six letters referred to in paragraph 6 (*k*) of the motion are really fifty six. Some of these letters show that they were brought out of Cienfuegos on the third trip, when the vessel was under the command of Captain Walker. Others were from Kingston for people at Santiago, Guantanamo, and Manzanillo, intended to be delivered on that trip. The dates of the letters will show all that is asked to be proved by Captain Walker.

7. Coming, now, to the alleged statement made by Mr. Forwood himself, attached to Mr. Gemmell's affidavit, the statements therein, assuming them to be presented to the court in the form of an affidavit from Mr. Forwood himself, as they are not, taken in connection with the other proofs in the case already in, would not warrant the great expense and delay incident to opening the case to obtain his testimony thereto. They would not, in fact, alter the judgment of the court in any particular.

7 (*a*). The first admission therein is that the President's proclamation of the blockade of Cienfuegos had been, on May 9th, delivered to the captain of the Adula. It is also admitted that the first two trips to Cienfuegos, on May 9th and May 21st, were made by permission of the American consul at Kingston, under authority from Washington, to bring off American refugees from Cienfuegos, and that on both of these trips Cienfuegos was guarded by American war vessels, from which permission to pass was only given when authority previously obtained from the consul under direction from Washington was exhibited.

7 (*b*). That on these two permitted trips the Adula may have communicated information deemed by the Adula's officers to have been important to American forces may be true. The same thing may have been done to propitiate the Spanish authorities when the vessel went into Spanish ports. From the fact that the Adula carried in supplies on the third trip to Cienfuegos and the good terms she was on with the Spanish authorities, it is clearly evident that he was trying to appear to act the part, at least, of a mutual friend. The statements in reference to information given to the American authorities have no legal bearing upon the case.

62 7 (*c*). The sole ground appearing in the evidence suggested for the assumption on the part of the Adula that the blockade of Cienfuegos had been raised appears in the statement on page 5, as follows: "The vessel sailed (from Cienfuegos) on the 26th of May direct for Kingston, and when he got outside, to his astonishment, there was not a United States warship in sight. He arrived in Kingston on the 28th of May and landed his passengers. The vessel then made two of her ordinary coasting voyages around Jamaica, when I was offered a further charter for Cienfuegos on similar business." The assumption that the blockade was raised was based solely upon Captain Walker's failure to see ships in the offing when he passed out on the second of the permitted trips. That Mr. Forwood knew that the President's proclamation of blockade had not been withdrawn, and that the Goverment of the United States had not abandoned its idea of keeping said port blockaded, is apparent from the further statement on the same page, as follows: "On this voyage I asked Mr. Dent if he could give me a pass to go through the blockade, should one be there, but he informed me that he was unable to do so, as it was beyond his authority." In spite of this, the third trip to Cienfuegos was made and a large quantity of supplies carried in.

7 (*d*). The attempt to show that this third voyage to Cienfuegos was practically authorized by Mr. Dent, by reason of the alleged

fact that Mr. Dent, American consul, requested Captain Walker if he met an American war vessel on the voyage to tell the commander to look out for the "Purisima Concepcion" amounts to nothing when it is coupled with the statement that at that very time Mr. Dent informed him that he was unable to give permission, as it was beyond his authority; and document No. 66, letter of May 21st, 1898, of the same Captain Forwood to Captain Walker relative to the second permitted trip to Cienfuegos, shows that he knew, even prior to that statement of Consul Dent, that authority to pass the blockade was required from Washington. It contains this statement: "In giving this letter to the blockade, be sure and ask the officer if he would allow the ship to pass another voyage without cabling to Washington." The further allegation on page 6 of said statement of Forwood, as follows:

63 "It may be as well for me to here distinctly deny absolutely that the consul warned me in any way whatever against making the contemplated voyage," when coupled with his admission that he had received notice of the President's proclamation of blockade, and that the consul told him he was unable to give him permission to go through the blockade, as it was beyond his authority, is contradictory of the statement itself.

7 (*e*). The further allegation, on page 7, of Forwood's statement relative to the third trip to Cienfuegos shows conclusively that he knew that there was no real intent on the part of the American fleet to abandon the blockade at that place. His statement is as follows: "I gave the necessary instructions to Captain Walker, of the Adula. The ship sailed at 4 p. m. on Wednesday, the 15th of June, with letter of instructions to the captain to proceed to the fleet off Cienfuegos and ask permission from them to enter the port, and if granted to go in, and if not granted to return to Jamaica." In spite of these instructions, Captain Walker, according to the admissions, reached Cienfuegos, found no ships outside, went in, and delivered large quantities of supplies. The instructions in that case, it appears, were precisely similar to the instructions in regard to Guantanamo, Santiago, and Manzanillo on the trip on which the Adula was captured.

In the face of that admission, can it be doubted that if the Adula had found the American fleet temporarily absent from the entrance to either of the said three last-mentioned ports she would have gone in, precisely as she did at Cienfuegos? In other words, the statement of Capt. Forwood shows conclusively that the instructions relative to making inquiry at the fleet if permitted to enter was only intended as an excuse in case the vessel was stopped, but that the vessel was to go in and take in provisions and take out whatever she could if she got an opportunity to pass the fleet on any of these trips.

7 (*f*). The excuse which the statement of Mr. Forwood suggests he will make under oath as to the landing of provisions and stores on the third trip to Cienfuegos is no excuse at all. He says, "I was asked to provide for a large number of passengers.

64 When the vessel arrived the charterer's agent, a Mr. Salines, a Cuban, had only ninety-nine passengers instead of six hun-

dred or seven hundred. This left a quantity of extra stores on board, and the captain allowed the charterer, Captain Baxter, to land them on his own account. I have not a list of them, but am prepared to swear that they did not exceed 140 or 150 packages—barrels—and it was only on the representations of the distress among the inhabitants of the place made to him that he was induced to land any." Captain Forwood and the owners are just as much responsible for Captain Walker's acts as if they had authorized them. It appears from the above that Mr. Salines, the charterer's agent and actual manager of the expedition, was a Cuban, evidently a Cuban loyal to the Spanish government, else he would not have been allowed in and out of Cienfuegos at the time, and that this man was allowed, with the consent of the captain, to put off these supplies, which, according to the testimony of Captain Yeats, consisted of beef, butter, cheese, pork, etc. The owners of the Adula were just as much responsible for the acts of Mr. Salines under the circumstances as if they had authorized them. The fact that the Yankee did not seize the Adula on the third trip out of Cienfuegos does not affect the question. The whole extent of the information in possession of the commander of the Yankee at that time is stated on page 9 as follows: "He looked up the passenger list, a copy of which the captain offered to him. They both went on board the steamer Yankee, and the following conversation took place between the captain of the Yankee and Captain Walker: Captain of the Yankee, You are from Cienfuegos, Captain? Captain Walker, "Yes." Captain of the Yankee, "Cienfuegos is blockaded, and you must not go back, Captain." Captain Walker, "Very well, sir: all right." Captain of the Yankee, "I am sorry to have detained you. You can proceed. Good-bye." It appears from this conversation that the Yankee did not know that the vessel had had a previous actual warning endorsed on the log book by Lt. Anderson, but that he did notify him the blockade was on, and that he must not come back. It does not appear that the Yankee knew that large supplies had been landed at Cienfuegos, or that the trip was made without permission from Washington, two trips having been previously made with such permission.

65 In any event, proof of the facts stated would not throw any light on this transaction. We are not now proceeding to forfeit the vessel because of her trip into Cienfuegos, because the right to capture ended when the vessel returned to Kingston on that trip, but evidence of what the vessel did under precisely similar instructions to those she had in this case on a previous trip shows clearly the business in which she was engaged and her intent to enter in this case.

7 (*g*). The allegations of Mr. Forwood's statement, page 10, as to the circumstances under which he became acquainted with Mr. Solis on the 27th of June, he having just arrived by train from Montejo bay, having landed from Manzanillo with a cargo of refugees, shows that Captain Forwood had sufficient notice of Mr. Solis' character to have resulted in full knowledge of his purpose if he had made diligent enquiry. The statement on page 11 as to the conversation

between Dent and Forwood at Forwood's office twenty minutes of five—a few minutes, say ten, before the ship sailed—is in itself an admission of all the notice required. He says: "The consul said, Well, Forwood, I would not advise you to let the ship go; they won't allow her into Guantanamo, and they will be watching for her."

Again: "Well," he said, "I don't know but they will be watching for her, and I think that Sr. Solis is a Spanish agent carrying $300,000 in gold to buy over the rebels in the American camp." "I told him I had inquired about the man, and that it was one of the usual Kingston yarns. He shrugged his shoulders, talked about some other matters for a minute or two, we finished our drink, and he left the office. This is all the conversation I had with Mr. Dent about the voyage." The suggestion that this statement was made over a social glass, and therefore it was not to be considered as official, is without merit. As a matter of fact, the log book shows the boat did not sail until 6 p. m., over an hour later, and that there was plenty of time for the owner to have acted if he had wanted to do so. There is positive testimony, however, in the record that Mr. Dent had given ample warning to the Adula and her owners not to proceed on the voyage, and that this warning had been conveyed already to Captain Forwood prior to the conversation with Consul Dent on the occasion to which he alludes.

66 In answer to the 41st interrogatory, Mr. Solis testified: "He (Dent) said to me he was sorry he could not give me such permission; that he was not allowed to give such permission; that it could only come from Washington, from the Government. Mr. Dent told me not to go. I don't remember his giving me any particular reason for not going. He told me not to go, and I answered him that I was not going for anything wrong." In answer to the 12th interrogatory, Mr. Solis testified in regard to the same conversation with Mr. Dent, "I explained to Mr. Dent the idea of my voyage. He told me he was sorry he could not give me the passport I wanted, because he was not allowed to give such passports unless he had permission from the American authorities in Washington. As I was going to leave two hours afterwards, he said there was no time to ask permission. I said, 'Look here, Mr. Dent, I don't think there is anything wrong, because my intention is to go to Guantanamo and ask permission of the American admiral to allow me to go; if he does not allow me to go, I come back.' Then I went to see Mr. Forwood, agent of the Atlas Company, and I explained what Mr. Dent had told me." It is clearly evident that the reason Mr. Dent did not enter into fuller explanation with Mr. Forwood in the conversation Mr. Forwood relates was because it appeared from the conversation that Mr. Solis had already communicated all the previous conversation with Mr. Dent to Mr. Forwood. The testimony of Mr. Forwood, therefore, on that point would not change the status of the case in any respect.

7 (*h*). The allegation in the statement of Mr. Forwood, on page 13, that the official notification of the blockade of the three ports of Guantanamo, Santiago, and Manzanillo was not declared by this

Government here until the 6th of July, 1898, if proven, would not alter the case. That the British government did not give notice of the official blockade until that time at Kingston does not alter the case where it is shown that the particular vessel had actual notice of the actual blockade and investment of the ports and was warned not to go. The official notice is intended to meet the cases of vessels which would not otherwise have actual notice.

67 8. If the evidence was, however, absolutely clear that Mr. Forwood, the registered owner of the vessel in England, as well as Mr. Forwood, the owner's agent in Kingston, Jamaica, acted throughout the entire transaction with the utmost good faith, which is not shown in regard to Mr. Forwood at Kingston (by a good deal), it would not alter the liability of the vessel to forfeiture on account of the acts of the captain and charterer, into whose custody they had placed the vessel. They are just as much responsible for the act of Captain Walker in permitting Mr. Salines to land stores and supplies into Cienfuegos on the third trip to that port as if they had expressly authorized it. They are just as much responsible for the conduct of Don Jose R. Solis in carrying letters and communications and attempting to enter the ports of Guantanamo without speaking the American ships when they passed the ships off Santiago as if they had expressly instructed it. There is absolutely not a suggestion of any testimony in the motion for new proof which, if produced in court, would alter the result one particle.

9. It will be noticed that in the affidavit made by Captain Forwood before the American consul, Mr. Dent, at Kingston, he carefully avoided making any statement in regard to the alleged communications with the consul, which are now brought in by way of extenuation.

The affidavit merely identifies papers.

August 9, 1898.

MARION ERWIN,
U. S. Attorney.

Endorsement: United States district court, eastern division, southern district of Georgia. The United States *vs.* The Steamship "Adula." Libel *in rem*. Prize. Answer of the United States to motion of claimant to take further proofs. Filed August 15, 1898. S. F. B. Gillespie, deputy clerk.

68 *Tender by U. S. of Depositions Taken de bene esse.*

In U. S. District Court, Eastern Division, Southern District of Georgia.

THE UNITED STATES OF AMERICA
vs.
STEAMSHIP "ADULA," ETC.

And now comes the United States of America, by Marion Erwin, and, by way of counter-showing to the motion of the Atlas Steamship Company for an order to take further proofs, and tenders for

the consideration of the court on the question of allowing such order the depositions of Lieut. Edwin A. Anderson and Seamen Ellenberg and Gill, members of the prize crew, taken *de bene esse* in said cause, particularly to the points (1) of the establishment of the actual blockade of Guantanamo bay on June 8th, 1898, by the American warships under orders of Admiral Sampson; (2) as to the position of the Adula when captured, and that she was within the three-mile limit, and was proceeding to enter the bay, and was in cannon shot of the American warships before she could see them, and was proceeding right on in when she was hailed by the Vixen and ordered in, it being then too late for her to turn back and escape capture; (3) as to the actual and continuous blockade of Cienfuegos, Santiago, and Guantanamo; (4) as to the personal delivery on May 9th by Lieut. Anderson to the captain of the Adula of a copy of the President's proclomation of April 22nd, 1898, as to blockade of Cienfuegos. This is, however, admitted in the motion of claimants.

August 9, 1898.

MARION ERWIN,
U. S. Attorney.

Let the above motion be entered of record.
August 10, 1898.

EMORY SPEER,
U. S. Judge.

Endorsement: In U. S. district court, eastern division, southern district of Georgia. United States *vs.* The "Adula," &c. Tender by United States of depositions of Anderson, Ellenberg, and Gill, taken *de bene esse*, as counter-showing to motion of claimant for new proofs. Aug. 9, '98. Filed August 15, 1898. S. F. B. Gillespie, deputy clerk.

69 *Order Denying Motion of Claimant to Take Proof.*

United States District Court for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
THE STEAMSHIP "ADULA," &C.

The above-stated motion of the Atlas Steamship Company to take further proof came on to be heard upon the pleadings and proofs already in, and upon the affidavit of Robert Gemmell, and the statement of W. P. Forwood, annexed thereto, and the affidavit of W. P. Forwood of July 14, 1898, and exhibits thereto, and the answer of the United States filed to said motion, and upon the testimony of Edwin A. Anderson, Ellenberg, and Gill, taken *de bene esse*, tendered by the U. S. attorney as a counter-showing thereto, to the introduction of which the claimant objected, and for the

purpose of the hearing upon this motion the court has considered the allegations in said statement of W. P. Forwood attached to Gemmell's affidavit as if said Forwood had testified thereto on depositions regularly taken, and giving due weight to the same in connection with the other evidence in the case, and the court being of the opinion that the evidence as it stands is not susceptible of any satisfactory explanation, and, on comparing the proof proposed to be brought forward with that already in the cause, the court being of the opinion that the legal effect of the facts before the court cannot be varied by the circumstances of explanation offered on said motion, it is therefore adjudged, ordered, and decreed that the said motion of said claimant to take further proof be, and the same is hereby, denied.

The clerk is directed to file all the papers used before the court on this hearing and this order as a part of the record for use in case of an appeal.

In open court, August 15, 1898.

EMORY SPEER, *Judge.*

Endorsement: In U. S. district court, eastern division, southern district of Georgia. United States *versus* Steamship "Adula," &c. Order denying motion for order to take new proof, &c. Filed August 15, 1898. S. F. B. Gillespie, deputy clerk.

70 *Decree for Sale.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

UNITED STATES OF AMERICA *vs.* STEAMSHIP "ADULA," ETC. } Libel *in Rem.* Prize.

It appearing to the court (that the prize property in the above-stated cause has been condemned by the judgment and decree of this court, and) that although the court has caused an appraisement of said vessel and other prize property to be made, and the same was appraised at eighty thousand dollars, and that said property is liable to deteriorate or depreciate, and that the Atlas Steamship Company, the only claimant appearing on the return day of the libel, has formally declined to give the stipulation for the release of said Adula from custody, and through its counsel has requested that the sale of the property shall proceed with expedition, in which request libellants, through their solicitor of record, join. it is considered, ordered, and decreed as follows: That the steamship Adula, her engines, boilers, tackle, apparel, and furniture (which has been condemned as lawful prize of war to the United States by the decree of this court rendered July 28, 1898), shall be sold at public outcry before the court-house door of the United States, at Savannah, Georgia, between the hours of 10 a. m. and 4 p. m., on the 29th day of August, 1898, under the supervision of the mar-

shal of the United States for the southern district of Georgia, by an auctioneer to be named and employed by the Secretary of the Navy, and having the qualifications provided by the statute in such case made and provided.

Before said sale the marshal shall cause a full catalogue and schedule of the said property to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in this cause. The marshal shall cause said sale to be advertised fully and conspicuously in the Savannah Morning News, the Savannah Press, and the New York Journal of Commerce in at least five issues of said newspapers, the first appearance of said advertisement in said respective papers appearing not less than ten days prior to said sale, and said advertisement to give a brief description of said steamship. The marshal shall also advertise said sale fully and conspicuously by posters and shall, at least five days before the
71 sale, serve notice — A. E. K. Benham, prize commissioner, and shall allow all proper inspection of said property to be sold.

Said property shall be sold as a whole and no bid for a less sum than fifty-five thousand dollars shall be accepted. The proceeds of said sale shall be deposited in the registry of the court, subject to the further order of the court. The purchaser shall pay ten per cent. cash and the balance of the bid in twenty days from the date of the sale, and for failure to pay said balance at or before said time limited the said ten per cent. cash payment shall be forfeited as stipulated damages in the nature of demurrage.

In open court, August 15, 1898.

EMORY SPEER,
United States Judge.

Marshal's Return.

U. S. marshal's office, eastern division, southern district of Georgia.

SAVANNAH, GA., *August 29th*, 1898.

1. In obedience to the within decree I beg to report as follows and certify that on this date, at 12 o'cl'k noon, under my personal supervision, the steamship "Adula" and all her appurtenances was put upon the block for sale to the highest bidder above the minimum price fixed in the decree by Charles H. Dorsett, auctioneer, appointed by the Hon. Secretary of the Navy; that he cried the sale until 12.25 o'clock p. m. and received no bid therefor, and then made announcement that bids would be entertained until 4 o'clock. No bids having been received at that hour, I declared the sale off until a further order of the court should be had in the premises.

2. Full catalogue and schedule of said property had been prepared, circulated, and published to the attending people and a copy of each has been filed in the U. S. district court.

3. I certify further that said sale was fully and conspicuously advertised by five (5) insertions each in the Savannah Morning News and the Savannah Press, in which appeared a brief description

of said steamship, the first of the said several advertisements appearing in the issues of said papers on the 17th and 19th instant respectively, such insertions being more than ten days prior to the sales day. An order for similar service was mailed to the N. Y. Journal of Commerce on the 16th instant, but no response has been received from its proprietor as to its fulfilment.

4. Notice was served upon Admiral A. E. W. Benham, prize commissioner, on the 19th August, 1898, by mail to his address in Washington city, and inspection of this property had been invited, through the public prints and verbally, to probable purchasers. Thorough examination of the ship, its engines, boilers, electric plant, and other appurtenances, had been made by experts and elicited favorable comments.

5. The sale was further conspicuously advertised by sending posters to U. S. marshals at prominent ports from Boston, Mass., to Galveston, Texas, with request that they be placed in public buildings and be otherwise distributed. Favorable replies have been received from some of these officers and are on file in my office.

August 30, 1898.

JOHN M. BARNES,
U. S. Marshal.

72 *Order for Marshal to Repair Machinery.*

In the U. S. District Court, Eastern Division, Southern District of Ga.

UNITED STATES
vs.
STEAMSHIP "ADULA," ETC. } Libel *in Rem.* Prize.

It being made to appear to the court that it is very necessary that the machinery of the steamship Adula should be cleaned and oiled to prevent a deterioration thereof, and it appearing to the court that the engineers of the said "Adula" are still in Savannah, and that they are better acquainted with said machinery than any other persons, it is ordered that the marshal employ such persons as may be necessary to do said work, at a cost not to exceed fifty dollars, giving the preference to said engineers of the Adula crew. The contract of insurance taken out on said vessel by the marshal on a valuation of fifty thousand dollars is approved.

August 10, 1898.

EMORY SPEER,
U. S. Judge.

Endorsement: District court of U. S., eastern division, southern district of Georgia. United States *vs.* Steamship "Adula," etc. Order for marshal to repair machinery. Filed August 15, 1898. S. F. B. Gillespie, deputy cl'k.

Marshal's Return.

U. S. marshal's office, eastern division, southern district of Georgia.

SAVANNAH, GA., *August 27th*, 1898.

In compliance with within order I have had two competent men employed—engineers and crew of S. S. "Adula" not obtainable, they all having left the city on the 13th inst.—to clean and oil machinery and engine of said steamship and otherwise clean the engine-rooms, at a cost of thirty-four dollars ($34), as evidenced by bills rendered and submitted for approval.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

73 *Petition and Order to Deliver Certain Articles to Capt. Yeats.*

In the District Court of the United States, Eastern Division of the Southern District of Georgia.

UNITED STATES OF AMERICA
vs.
THE STEAMSHIP "ADULA."

To the Honorable Emory Speer, judge of said court:

The petition of R. W. Yeats respectfully shows:

That he was master of said vessel at the time of her seizure, and that among the papers and articles seized and now in charge of the clerk of this court are two pocketbooks belonging to petitioner and one letter written by petitioner to his wife, said letter and pocketbooks not having been used in evidence. Petitioner shows that said articles are not valuable to the court, and that petitioner desires that they be returned to him.

Wherefore petitioner prays that your honor may pass an order requiring said clerk to deliver said above-named articles to your petitioner.

GARRARD, MELDRIM & NEWMAN,
Petitioners for Proctor.

The above application I heartily endorse and recommend that the order prayed for be granted.

This 11th day of August, 1898.

WILLIAM R. LEAKEN,
Ass't U. S. Att'y.

It appearing to the court that there are in charge of the clerk of this court two pocketbooks and one letter written by Captain Yeats to his wife, which articles are the property of the said Captain Yeats and are immaterial in this case, and the assistant district attorney having recommended their delivery over to Captain Yeats,

it is ordered that the clerk of this court deliver to Captain Yeats the said above-mentioned articles.

This 12th day of August, 1898.

EMORY SPEER, *Judge.*

Endorsement: In the district court of the U. S., eastern division, southern district of Georgia. United States *vs.* Steamship "Adula." Application and order for delivery of certain articles to Capt. R. W. Yeats. Filed in clerk's office August 15, 1898. S. F. B. Gillespie, D. C.

74 *Affidavit and Order to Deliver Personal Property to Officers of Ship.*

THE UNITED STATES OF AMERICA
against
THE STEAMSHIP "ADULA."

UNITED STATES OF AMERICA,
Southern District of New York.

Robert Gemmell, being duly sworn, deposes and says:

The liquors and stores in the bar of the steamship Adula do not belong to the Atlas Steamship Company, but do belong to the captain, who has charge of that business. The chronometer also belongs to the captain and not to the company. In the present case, I understand that Captain Walker, who commanded the Adula on her previous voyage, left his chronometer on board. The piano on board does not belong to the company. My understanding is that this is the property of the officers of the steamer.

R. GEMMELL.

STATE OF NEW YORK,
City and County of New York, } *ss:*

Sworn to before me this eighth day of August, 1898.

ELLIS OWENS,

[SEAL OF NOTARY.] *Notary Public, City & County of N. Y.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

UNITED STATES OF AMERICA
versus
STEAMSHIP "ADULA," ETC.

This court having heretofore made an order that the personal property of the captain, officers, and crew of the steamship Adula (exclusive of letters and papers) be restored to them, and it appearing to this court by the affidavit of Robert Gemmell that the piano, the liquors and stores in the bar, and the chronometer do not belong to the Atlas Steamship Company, but do belong to the persons hereinafter mentioned, it is, after hearing counsel for the parties,

ordered that the marshal of the United States for the southern district of Georgia and his deputies and whoever he has placed in custody of the said property deliver to Robert William Yeats, captain of said Adula, his chronometer and the stock of liquors and stores in the bar of said steamer; that said marshal and his deputies and custodians aforesaid deliver to Garrard, Meldrim & Newman the chronometer on said ship belonging to Captain Walker, her late captain, to be forwarded by them to him, and that said
75 marshal and his deputies and custodians aforesaid deliver the piano on said ship to said Robert William Yeats, to James Clarkson, and to James C. Williamson, officers of said steamship, for the benefit of the officers owning the same.

Dated August 10, 1898.

EMORY SPEER, *Judge.*

Endorsement: U. S. district court, southern district of Georgia. United States *vs.* Steamship Adula. Order for delivery of personal property to captain, &c. Filed in clerk's office August 15, 1898. S. F. B. Gillespie, deputy clerk.

Marshal's Return.

U. S. marshal's office, eastern division, southern district of Georgia.

SAVANNAH, GA., *August* 11, 1898.

By virtue of above order, I have this day delivered the following articles from S. S. "Adula," to wit:

One chronometer to Messrs. Garrard, Meldrim & Newman.

One chronometer to Capt. Robert William Yeats.

All stout (12 bottles) to Hunter, Pearce & Battey, as per order, and sixteen (16) cases whiskey to M. Fersts' Sons & Co., as per receipt, and on August 12th, 1898, in continuation of delivery of articles, J. Clarkson, act'g chief officer, took possession for captain and officers of one piano, as per receipt.

The return of—

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

Dated August 13th, 1898.

76 *Petition and Order to Deliver Certain Articles to Captain Walker.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

UNITED STATES OF AMERICA
versus
THE STEAMSHIP "ADULA."

To the Honorable Emory Speer, judge of said court:

The petition of —— Walker respectfully shows that he was formerly master of said vessel; that on board are certain articles, to

wit, one quadrant, one spyglass, one barometer, several charts, one electric fan, which are the personal and private property of petitioner; that said articles were omitted in the order passed by the court on the 10th day of August, requiring the delivery over of the personal effects of the several officers by the marshal to the respective owners, and that same were inadvertently omitted from the application for said order. Petitioner further shows that, although said articles are of immaterial value as regards said above-named suit, yet he desires to obtain the same, and that the marshal in charge of said vessel refuses to deliver them unless an order is obtained from your honor naming them specifically.

Wherefore petitioner prays that your honor may pass an order requiring said marshal to deliver said above-named articles to your petitioner.

GARRARD, MELDRIM & NEWMAN,
Proctors for Petitioner.

GEORGIA, }
Chatham County. }

Personally appeared Robert William Yeats, who upon oath deposes and says that he was master of the steamship "Adula," now in the port of Savannah as a prize of war; that on board said vessel are the following articles, to wit: One quadrant, one spyglass, one barometer, several charts, one electric fan, which are the personal and private property of Captain Walker, who was formerly master of said vessel; that said articles were omitted in the order passed by the court on the 10th day of August, 1898, requiring the delivery over of the personal effects of the several officers by the marshal to their respective owners; that same were inadvertently omitted from the application for said order; that affiant gave information
77 to the attorneys representing the claimants and inadvertently omitted from his statement to them the said above-named articles.

Deponent further says that he knows the said above articles to be the property of Captain Walker personally.

R. W. YEATS.

Sworn to and subscribed before me this 11th day of August, 1898.

JOHN G. SESSOMS,
Notary Public, Chatham Co., Ga.

Order.

It appearing to the court that there are on board of the steamship Adula certain articles, to wit, one quadrant, one spyglass, one barometer, several charts, and one electric fan, which are the personal and private property of Captain Walker, formerly master of said vessel, and that said articles were omitted in the order passed on the 10th day of August—

It is ordered that said articles be delivered to Gerrard, Meldrim &

Newman by the marshal in charge of said vessel, to be by them forwarded to the said Captain Walker.

This 12th day of August, 1898.

EMORY SPEER, *Judge.*

Marshal's Return.

U. S. marshal's office, eastern division, southern dist. of Georgia.

SAVANNAH, GA., *August* 13, 1898.

In obedience *with* the above order, I have this day, by request of Messrs. Gerrard, Meldrim & Newman, delivered to Captain Yeats, late commander of S. S. Adula, in person, one barometer, one sextant, one spyglass, one electric fan, and a number of charts, as evidenced by receipts hereto attached.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

Endorsement: District court of the United States, eastern division, southern district of Georgia. United States *versus* Steamship Adula. Application and order for delivery of certain articles to Captain Walker. Filed in clerk's office August 15, 1898. S. F. B. Gillespie, deputy clerk.

78 *Opinion of the Court.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
THE STEAMSHIP "ADULA," ETC. } *In Rem.* Prize.

Mr. Marion Erwin, U. S. attorney, and Mr. W. R. Leaken, assistant U. S. attorney, for the United States.

Messrs. Gerrard, Meldrim & Newman and Mr. Everett P. Wheeler, proctors for the claimant.

AUGUST 13, 1898.

SPEER, *Judge:*

The Adula, British steamship, was on August 3, 1898, adjudged in the district court of the United States for the southern district of Georgia prize to the United States cruiser Marblehead and other United States vessels of war taking part in her capture while she was attempting to run the blockade established at Guantanamo bay.

The proctors for the Atlas Steamship Company, her claimant, served the following notice on the United States attorney:

"Take notice that upon the return day of the rule fixing the time and place for the hearing of the motion to take further proofs in this cause at Mt. Airy, in the State of Georgia, on the 9th day of

August, 1898, at 4 p. m., we will read the affidavits of Robert Gemmell and W. Peploe Forwood, of which copies are herewith served upon you, and that upon said hearing we will move this honorable court for directions respecting the sale of the 'Adula,' unless such directions shall previously have been given.

"We will also move this honorable court for an order staying the distribution of the net proceeds of the sale, and we will further apply at the same time for such other relief as may be just."

On the hearing of this motion the affidavit of Robert Gemmell was offered for the claimant. By virtue of this affidavit and the annexed statement of W. Peploe Forwood, who is the agent of the Atlas Steamship Company in Jamaica, it was sought to open the decree of condemnation granted after hearing the evidence taken *in preparatorio* and open the case for additional testimony.

79 The hearing upon the proceedings for condemnation was upon the evidence afforded by the examinations of the captured crew taken upon standing interrogatories, the ship's papers, and other evidence of a documentary character found upon the ship by the captors. This was done in conformity to the established rule in prize causes. "These papers and examinations *in preparatorio* constitute the only evidence on which the cause is first heard. If on this evidence there be doubt or justice require it, the court may in its discretion order further proof." Benedict's Admiralty, sec. 612 (*a*).

The rule is otherwise stated by Mr. Justice Story in the case of The Pizarro, 2 Wheaton, p. 240: "It is upon the ship's papers and the examinations thus taken in preparatory that the cause is in the first instance to be heard in the district court, and upon such hearing it is to judge whether the cause be of such doubt as to require further proof, and, if so, whether the claimant has entitled himself to the benefit of introducing it. If the court should deny such order when it ought to be granted or allow it when it ought to be denied and the objection be taken by the party and appear upon the record, the appellate court can administer the proper relief." It is true also that by the settled rule of prize courts "the *onus probandi* of a neutral interest rests on the claimant."

This rule is tempered by another, the liberality of which will not be denied, that the evidence to acquit or condemn shall, in the first instance, come from the ship's papers and persons on board, and where these are not satisfactory, if the claimant has not violated good faith, he shall be admitted to maintain his claim by further proof. But if in the event, after full time and opportunity to adduce proofs, the claim is still left in uncertainty and the neutrality of the property is not established beyond reasonable doubt, it is the invariable rule of prize courts to reject the claim and to decree condemnation of the property." Mr. Justice Story in Amiable Isabella, 6 Wheaton, page 77.

The charterer of the Adula on the voyage which resulted in her capture was Don Jose R. Solis. He testifies that he was a loyal subject of the Queen Regent of Spain. In answer to the first in-

terrogatory Don Jose testified: "I now live at Manzanillo, on the south coast, in the province of Santiago de Cuba.

80 "I have lived there ten years next January. I am a subject and a citizen of Spain and I owe allegiance to Spain. I am married; my family and wife reside at Manzanillo." He further testified that he frequently went into the country fifteen or twenty miles from the city, but after General Weyler came into the country he said: "I could not go in the country any more because I feared that General Weyler might suspect me of being an insurgent." Don Jose was in good standing with the Spanish government. The official card entitling him to travel as a loyal Spaniard was found in his possession, was signed by the municipal authorities at Manzanillo in 1897, and he himself testified that it was not necessary to obtain a new one. The Spanish consular authorities seem to have afforded him every facility for his operations, for as late as June 28, 1898, he received from the Spanish consul at Jamaica an endorsement of the bill of health obtained from the Jamaica authorities to enable him to prosecute this voyage. It is also in evidence that there was given to him on that day by the Spanish consul a passport authorizing him to take the Adula into the Spanish ports mentioned. He undertook to provide an efficient Spanish government pilot to conduct the ship safely into the ports of Manzanillo, Santiago, and Guantanamo. For this he was to pay for the vessel one hundred pounds per day for the first ten days of the voyage, and after that fifty pounds per day until she should return to the wharf at Kingston. The charter contained this further significant provision: "The company will give the option to the charterer for another similar voyage on similar terms provided the charterer gives the company twenty-four — notice after the arrival of the steamer at Kingston." It is, moreover, true that Yeates, who was captain of the Adula, testified: "As I understood it, as well as I can remember, we were to go to any other ports that the charterer designated and was not put down in the letter of instructions if he wished to go there. As I said before, if he wanted me to go to any other port except those specified in the charter-party, I was to go there." He further testified that if the trip ran beyond ten days that there was a special agreement made between Captain Forward, the agent of the ship, and Mr. Solis as to payment for this. In his answer to the 39th interrogatory, the captain of the ship also testified:

81 "The Adula's destination was to go to Guantanamo bay for refugees and then to Santiago and Manzanillo and such other places that the charterer may desire to go to after we had visited these ports."

It is true that Don Jose R. Solis denied this testimony and testified as follows: "If I was to state to the captain to go there he would say 'You have no right to direct me.' I did not have the right to direct them to any particular port."

With this allegiance and thus supported by Spanish authority, Don Jose chartered the Adula, and with this charter he left the harbor of Kingston, Jamaica, on the 28th day of June, 1898. With

the Adula he steamed away toward Santiago, and when in sight of the blockading fleet sheered off to Guantanamo, where in half mile of the entrance he was hailed, brought to, and directed into the harbor, where the Marblehead and other war vessels were lying by the Vixen, and shortly thereafter was seized by order of Commander McCalla, of the Marblehead.

While it is true that the Adula was owned by British subjects, it appears from the testimony of Don Jose that for all the purposes of this voyage, having been chartered by a Spaniard, she was a Spanish ship.

The authorities on this subject are as abundant as conclusive. That great admiralty judge, Sir William Scott, afterwards Lord Stowell, in Ranger, 6 Rob., 126, declared: "If the owner will place his property under the absolute management and control of persons who are capable of lending it in this manner to be made an instrument of fraud in the hands of the enemy, he must sustain the consequences of such misconduct on the part of his agent." In the Yonge Emilia, 3 C. Rob., 52, a neutral vessel was condemned because she appeared to have been altogether in the hands of merchants who were enemies and had been employed for seven voyages successively in the enemy's trade. In the Napoleon, Blatchford's Prize Cases, 296, reported in Federal Cases, 17 vol., case No. 10,012, it was held that even though the claimant was a loyal citizen of high character and a resident merchant of the city of New York, opposed strongly to the purposes of the Confederates, yet when by the acts of his agent with whom his vessel had been left she was placed in illicit employment, she must be condemned.

It is true that in the case last cited the ship was actually in the use of an opposing belligerant, but in principle the author-
82 ity is applicable, for here she was placed, as the court is satisfied from the testimony of the master and otherwise, in the absolute control of a Spanish subject, who was using her, as will presently appear, to run the blockade in the absence of blockading vessels, or by practicing upon the credulity of American commanders, he could do so with impunity. It is now sought by this motion, made long after Don Jose R Solis had testified, to open the judgment of condemnation and offer proof that while he, originally and before the people of Cuba were declared by joint resolution of Congress to be free and independent, owed allegiance to the Queen of Spain, yet that soon after the war broke out he left the island of Cuba, had taken no part in hostilities against the United States, nor been in any particular an enemy of the same, but, on the contrary, had done all in his power while he remained in Cuba to befriend and assist citizens of the United States who were still in Cuba, and that he cast his lot with the natives of Cuba and was desirous that a stable government should be established in said island under the auspices of the United States. It is clear to the court that this evidence is altogether irrelevant. There are doubtless now in the island of Cuba thousands of persons who were formerly Spanish subjects who entertain the political sentiments to which Don Jose wishes now to subscribe. The court, however,

would not be justified in permitting him to contradict his testimony given before the prize commissioners that he was a loyal subject of Spain, nor would it be specially commendatory of the credibility of Don Jose if in the distress of his country, when his personal interests may be involved, he is so ready to forswear his allegiance to the Queen Regent. Again we are assisted by the lucid announce-
83 ment of Mr. Justice Story in the Pizarro, *supra*, "Nor would the captured crew have been permitted to be re-examined in court. They are bound to declare the whole truth upon the first examination, and if they fraudulently suppress any material facts they ought not to be indulged with an opportunity to disclose what they please or to give color to their former statements after counsel has been taken and they know the pressure of the cause. Public policy and justice equally point out the necessity of an inflexible adherence to this rule." Here we may say that Don Jose is to be treated as one of the crew. While he was charterer of the vessel, and appears to be a Spanish subject of large influence and presumably of large means, he is entered upon the ship's books as supercargo, and it was in part to the testimony of the supercargo in the Pizarro that the animadversions of Justice Story were directed. In the Gray Jacket, 5 Wall., p. 368, Mr. Justice Swayne, speaking for the Supreme Court, used this language: "This is not a proper case for the order for further proof. The order is always made with extreme caution and only when the ends of justice clearly require it. The claimant forfeited all right to ask it by the guilty concealment in his first affidavit. * * * The allowance would hold out the strongest temptation to subornation of perjury. See also The Rapid, 1 Gall., 295; 20 Federal cases, No. 11576; The Euphrates, 8 Cranch, 385; The Hazard, 9 Cranch, 205.

It seems clear from the evidence that the control of the Adula by the enemy is plainly shown in the first instance by Solis' testimony, her charterer, her control by him, and the option for further voyages given him, and that further proof on this subject
84 should not be allowed. The Adriana, 1 Rob., 313; The Romeo, 6 Rob., 351; The Sarah, 3 Rob., 330, cited in II A. & E. Ench. Law, p., 489.

It appeared also from the proof *in preparatorio* that the business of Don Jose was suspicious in the extreme. He states that his object was simply to bring off passengers "for the sake of humanity." In answer to the 26th interrogatory he testified: "My calculation was, supposing the admiral allowed me to go into Santiago or Guantanamo and bring my family from Manzanillo, that I could bring four hundred passengers at sixty dollars each, making twenty-four thousand dollars, and my idea was to make the trip in six or seven days; supposing it took me ten days, it was nineteen thousand dollars net profit. I had done it before with two English schooners; once I took one hundred and thirty from Manzanillo and Montejo bay." In addition to this not altogether disinterested humanitarianism, it appeared from numerous letters found on the person of Don Jose and in his state-room that he was carrying on a large business in the shipment of supplies, and, as he admits, he

was plying with schooners to and from Cuba, and the presumption is fair that he was engaged in continuously running the blockade. It seems clear that for more than two months he had been engaged in the hiring and purchase of ships and in the conveyance of supplies from Jamaica to Cuban ports and at a time when these ports were invested by the American fleet. The claimant now wishes to show that Solis was not engaged in trade with blockaded ports or with any ports in Cuba where intercourse was unlawful, but it may be said that Solis had the ample opportunity to give
85 the explanation of these letters in his testimony previously taken, and in fact did testify with regard to all the letters and telegrams found on his person and in his state-room, and it does not now appear that he should be permitted to add to his testimony. In addition to this, he bore many letters relating to trade and commerce, the conveyance of which through the blockade, especially by a Spanish subject, was a violation of the laws of neutrality. As stated by Sir William Scott in The Rollo, 6 Rob., 366, "A blockade is a naval circumvallation intended to prevent and cut off all communication with the port that it encloses and to cause an entire suspension of its commerce," 1 Duer on Ins., sec. 24, p. 247. And Justice Washington, in the case of The Tulip, 3 Wash. C. C., 181; 24 Fed. Cases, No. 14234, declares: "The same principle of the maritime law which makes that species of trading which consists in the mere intercourse of buying and selling an offense, with stronger reasons for the public safety must condemn the act of conveying intelligence to the enemy. In neither case does the condemnation proceed on the ground of the party being actually an enemy, nor of the property being actually owned by an enemy, and therefore the maritime law treats the property as if it belonged to an enemy."

It is also offered to prove that the official blockade of the three ports—Guantanamo, Santiago, and Manzaniilo—was not declared by the British government at Jamaica until the 6th of July, 1898. This fact can possess no significance. The United States attorney in resisting the motion calls the attention of the court to the
86 testimony of Lieut. Anderson, of the Marblehead, in his depositions taken *de bene esse*, to the effect that an actual and effectual blockade of Guantanamo bay and harbor was established by the Marblehead under Commander McCalla and other United States warships under Admiral Sampson on June 8, 1898, and that this was continuously and effectually maintained to the capture of the Adula. He testifies that an active and effectual blockade of Santiago de Cuba was established by Commodore Schley on May 24, 1898, with the American warships which were holding the fleet of Admiral Cervera in that harbor, and that this investment was rigorously maintained to the day of the capture of the Adula. He testifies also to the actual and effectual blockade of Cienfuegos harbor under the President's proclamation of April 22, 1898, and that on May 9, 1898, while off Cienfuegos, he actually delivered to the Adula a copy of the President's proclamation of April 22nd. This testimony was not before the court on the hearing of the evidence taken *in*

preparatorio, nor is it essential to the determination of this question now, although formally submitted by the United States attorney as cause why the case should not be reopened. It appears from the testimony of Captain Yeats before the prize commissioners that "at the time we went to Guantanamo it was apparently under an order of blockade. We passed one vessel," he testifies; "I think it was the Vixen. He fired a gun. I stopped immediately, and he told me to proceed. He did not stop his engines at all; just steamed right on by. Captain Forwood told me I should see the vessels of war around there. When the Vixen hauled me we were about half a mile from the entrance to the bay and about four miles from where we anchored. It was only after I had anchored that I was acquainted with the blockade of
87 the harbor." Horatio Morris, one of the crew of the Adula, testified that "at that time we went up to the mouth of the harbor, and at that time, when we got to Guantanamo, we found the warships were blockading the harbor. A small cruiser, the Vixen, ran up across our bow, and the captain of the cruiser asked us, "Didn't you sight the warships down to Santiago?" and the captain said, "Yes," and the captain stopped and he said, "Didn't you hear that Guantanamo was blockaded?" and our captain said, "Yes." Then he said, "You can proceed on." I heard about the blockade in Kingston, but after leaving Kingston, until we met the cruiser, I never heard about it any more." Captain Yeats also testified that he expected to be stopped when he approached Santiago. The log book of the Adula shows that he was given a copy of the President's proclamation of blockade at Cienfuegos on May 9th. Solis, the charterer, testified that he was told on board the Adula that the blockade of Guantanamo was published on the 27th, the day before, but he had not heard of it before he left Kingston, but he admits that while in Kingston he heard there was some warships at Guantanamo. There were several copies of the "Kingston Gleaner" on board the Adula, all of which spoke of the American operations, both military and naval, about Santiago and Guantanamo. Solis admitted that he knew that Guantanamo was invested by the American marines. While Mr. Solis testified that he knew but little of international matters, he must have known something, for he was French vice-consul at Manzanillo. Besides, the letters of instructions issued to the ship of which he was charterer contains unequivocal notice of the blockade, and Mr. Solis himself testifies that Mr.
88 Dent, the American consul at Santiago, on the 28th of June, prior to his departure on this voyage, gave him notice. In answer to the 12th interrogatory, he testified: "I explained to Mr. Dent the idea of my voyage. He told me he was sorry he could not give me the passport I wanted, because he was not allowed to give such passports unless he had permission from the American authorities in Washington." He further stated, "I went to Consul Dent's office and asked permission to go to these points. He asked me whether I had the consent of the Spanish consul. I told him I had it. He then said to me he was sorry he could not give me such permission. Mr. Dent told me not to go. He told me not to go,

and I assured him I was not going for anything wrong." It is further in evidence that Consul Dent warned Mr. Forwood, the agent of the ship at Kingston, of the existence of this blockade. It is true that Mr. Forwood now offers to testify that this was given in a very informal manner, but he himself admits that Dent used this language, "Well, Forwood, I would not advise you to let the ship go. They won't let her into Guantanamo, and they will be watching for her." It appears from the log book of the ship that she did not sail until an hour after the date of this interview between the American consul and the ship's agent at Kingston. The Spanish charterer of the ship and the agent were thus both given actual notice of the danger she incurred, and it otherwise appears that the charterer also communicated to the agent what the consul had told him. Notwithstanding this, the Adula was thus placed at the disposal of the Spanish subject to communicate, if he could, with the Spaniards and Spanish subjects by crossing the American lines by means of access to a
89 blockaded port. "It is established as a settled rule that a vessel which has full knowledge of the existence of a blockade is liable to capture if she attempts to enter the blockaded port in violation of the blockade regulations, and that it is no defense against an arrest made under such circumstances that the vessel arrested had not been previously warned of the blockade, nor that such previous warning had not been endorsed on her register." The Admiral, 3 Wall., 615. Notice is sufficient if the proof shows that it was known in a general way. Stephen Hart, 22 Fed. Cases, case 13364. And in Duer on Insurance it is stated: "Proof of the actual knowledge of the party at the inception of the voyage supersedes in all cases the necessity of a warning, nor is it of any importance by what means or in what form he received the information if the communication made to him is credible in its nature. He is not permitted to aver that he placed no confidence in a communication that had just claims to his belief." "And even in the absence of actual notice, since the proof was sufficient to show notoriety of the fact that a blockade existed at the port to which the voyage was commenced, it raises a presumption by which the party charged with the offense may be concluded." Duer on Ins., p. 661. Even though the owners of the Adula acted in good faith, their vessel would be none the less liable to forfeiture. The law upon this subject is also plain. In the case of The Shepherdess, 5 Rob., 252, Sir William Scott announces this rule: "No excuse is ever permitted for the conduct of the neutral master who persists in his voyage to a blockaded port in defiance of sufficient and legal warning.
90 His conduct may in no degree be imputable to the owners; yet their innocence affords no protection to their property." 1 Duer on Ins., sec. 49, p. 676. It is elsewhere stated: "It is a settled principle that if the owner has not anticipated a violation of the public law, the fate of *their* vessel with respect to an infraction of that law must depend upon the conduct of the agent with whom *they have* entrusted its management." Jecker *v.* Montgomery, 18 How., 119; The Bermuda, 3 Wall., 556. With the purpose then in his mind to enter Santiago, Guantanamo, or Manzanillo, or other

Spanish ports, whether they were blockaded or not, this Spanish charterer brought the Adula out of Kingston harbor. The offense was committed at the inception of the voyage. The Stephen Hart, 22 Federal Cases, No. 13364. And the Adula was subject to seizure from the time of sailing with the intent to run the blockade. The Circassian, 2 Wall., 135. Sailing from a neutral port, with intent to enter a blockaded port, with knowledge of the existence of the blockade, subjects the vessel and generally its cargo to capture and condemnation. *Idem*, 151. Nor does it matter that the Adula was merely in ballast. Duer on Ins., p. 671, sec. 46. It was of especial importance to the American authorities at that time that there should be no communication between the beleaguered forces at Guantanamo, Santiago, and the vicinity *with* the outside world, and this the Adula might well have effected by means of its Spanish charterer—ostensibly supercargo. Nor does the excuse that it was the purpose of Don Jose R. Solis to approach the American fleet and ask permission of the admiral to take off refugees avail the ship. Indeed, it may well be doubted from the evidence if he had any such purpose. It is plain that when
91 he saw the fleet off Santiago he did not approach it, but steamed away to Guantanamo, where at that time no blockading vessels were visible. The rule is, however, that "neutral ships, although not ostensibly destined to the blockaded port, cannot innocently place themselves in a situation which would enable them to violate the blockade at their pleasure and with impunity. The intention of the party in such cases to violate the blockade is a necessary and absolute presumption." Indeed, it would be difficult to see how a blockade could be enforced if it were otherwise, but the authorities avoid the necessity of further discussion. "The intention to break the blockade is to be presumed from the position of the ship when captured. She knew of the blockade when she sailed. She had no just reason to suppose it had been discontinued. Her approach, under these circumstances, to the mouth of the blockaded port for inquiry was itself a breach of the blockade and subjected both vessel and cargo to seizure and condemnation." The Cheshire, 3 Wall., 235; The Delta, 7 Fed. Cases, 3777. Nor does it matter that the sailing instructions given the master directed him to approach the blockading vessels and ask permission to enter and to refuse to do so unless this permission was granted. The Delta, 7 Federal Cases, *supra*. The language of Mr. Justice Field in the case of The Cheshire, 3 Wall., 236, is very apposite: "If approach for inquiry were permissible, it will be readily seen that the greatest facilities would be afforded to elude the blockade. The liberty of inquiry would be a license to attempt to enter the blockaded port, and that information was sought would be the plea in every
92 case of seizure. With a liberty of this kind the difficulty of enforcing an efficient blockade would be greatly augmented. If information be honestly desired, it must be sought from other quarters. In the case of the James Cooke, the ship was captured at the entrance of the Texel and the court applied this rule, observing that the approach of the ship to the mouth of a blockaded port,

even to make inquiry, was in itself a consummation of the offense and amounted to an actual breach of the blockade." If it be conceded that the Adula simply intended to enter Guantanamo, and that Guantanamo was simply invested and not blockaded, nevertheless her course subjected her to forfeiture. "It seems a just inference from the decisions," said the author of Duer on Insurance, page 670, paragraph 44, "that where the blockade has been constituted simply by the fact of an investment, although its existence was known at the port of departure previous to the sailing of the neutral ship, she may clear out provisionally for the blockaded port, but that in this as is the former cases the inquiry upon the result of which the right to complete the voyage must depend must be made at a port of the blockading State or of a neutral power. I see no reason to doubt that the prohibition to proceed to the mouth of the blockaded port embraces all cases of a previous knowledge, from whatever source the knowledge may have been derived, and that in all its violation is subject to the same penalty."

It is unfortunate for the claimant that the Adula had been previously engaged in several ventures, some of which evinced a total disregard of the blockade established by the American commanders. It is indisputable that with full prior notice of
93 the blockade of Cienfuegos, both by the President's proclamation and by verbal communication, the Adula had without permission of the American authorities run in a supply of provisions into that place on June 15th. In answer to the 41st interrogatory Captain Yeats testified, "I was on board when we went to Cienfuegos. I was first officer then—known as first mate. We went to Cienfuegos for refugees, and, as I said previously, we had a permit from Consul Dent, United States consul at Kingston, Jamaica. That was on the first two trips. On the first occasion we were stopped by the Marblehead (May 9th; see log) and on the second time we were stopped by the Castine (May 25th; see log). They ordered us to proceed to the Brooklyn, flagship. On both of those occasions we were allowed to pass after talking to the captain for some considerable time. On the first and second occasions we had permission to enter Cienfuegos, but on the third visit to Cienfuegos (June 19, 1898; see log) we had no permission that I know of. On that occasion we were not stopped, because there was nobody to stop us. The third trip was made, I think, about the 14th of June. On that trip we had some stores. Captain Walker was in charge at that time. The Adula was chartered at that time by somebody in Cienfuegos. I do not know whether it was by a Spanish subject or not. I know that Cienfuegos was supposed to be blockaded, but we had not seen any ships there for a considerable time, and that is the reason we went." The Adula then was a blockade-runner. A blockade once regularly proclaimed and established will not be held to be ineffective by continued entries in the log books, supported by testimony of the officers of the vessel seized, that
94 the weather being clear no blockading vessels were to be seen off the port from which the vessel sailed. The Adromeda, 2 Wall., 481. This is precisely the Adula's case. It appears also

from a letter of Captain Yeats to his parents which was taken on board the Adula after her seizure that he knew the ship was engaged in running the blockade; he had expected seizure, and it had occurred, and he complains of his hard luck to be in command at the time the vessel was seized. He also makes a statement which is strongly indicative of the fact that even after the Adula had been permitted by permission of the Washington authorities to enter Cienfuegos for the purpose of taking off refugees that she carried out the private secretary of General Blanco, governor general of Cuba. Warned off again and again by the American authorities, she persisted in her ventures. Her charterer, Don Jose R. Solis, was a man of remarkable intelligence, who we have seen was French vice-consul at Manzanillo—a Spaniard who spoke English so well that no interpreter was used by the prize commissioners in taking his testimony. How important it was, therefore, to prevent him from communicating with the garrison at Guantanamo. He had in his state-room and in his personal possession a large number of letters of a personal nature and relating to the conduct of business then in progress between the people of Cuba and those outside. He was the possessor of an official passport, given him by the Spanish authorities, authorizing him to take that ship into any Spanish port. It is true that this was not found at the time of the capture of the vessel and has not been delivered up, but there was ample time for its destruction. It is now offered to prove by Don Jose that this passport was
95 delivered to Commander McCalla, but he has already testified to that fact, and Lt. Anderson in his affidavit, made in accordance with the statute, declares that he turned over all the papers seized by him under the direction of Commander McCalla to the prize commissioners. He made a complete schedule by name of the different papers, and swears that all of them were delivered without suppression or fraud to the prize commissioners. The disappearance of this passport for the ship to any Spanish port rather than the passport itself is therefore of greatest significance as affecting her character, and the production of a certified copy from the Spanish consul would not throw any light upon the controversy. Spoliation or destruction of a paper of this character is strong proof of guilt. The Pizarro, 2 Wheaton, 227; The St. Lawrence, 8 Cranch, 434; The Fortuna, 2 Wheaton, 161; The Fortuna, 3 Wheaton, 236. Indeed, it may not be without significance that the clearance of the ship herself was simply for Guantanamo, when, according to the testimony of Solis, she was chartered for Santiago and Manzanillo, and, according to the testimony of Yeats, she might have gone to any other Spanish port. There is strong presumptive evidence that he carried other official communications with him. Among the letters he carried was one dated Kingston, June 28th, from O. Fons to Sr. Don Jose Marmion, from which the following is an extract: "After six weeks, having been unable to write you on account of the presence of the American squadron before that port, today I am told with great secrecy that Mr. Solis, of Manzanillo, with the

steamer Adula, English, is going to run the blockade and
96 carry provisions or take out passengers. I take this opportunity with great pleasure of hearing from you and of my house." Thus in the voyage to Cienfuegos, then blockaded, carrying in provisions to a Spanish consignee; in the voyage to Guantanamo, Santiago, and Manzanillo, all blockaded, and other ports not named, conveying messages on Spanish commerce and avowedly intending to make a large profit for himself, a Spanish subject, from having options to make another similar voyage on similar terms, provided the charterer gives the company twenty-four hours' notice after the arrival of the steamer at Kingston, can it be doubted that the Adula was under Spanish control and engaged in the Spanish trade, in utter disregard of the blockade established by the President and by the commanders of the American vessels? Any humanitarian purposes Mr. Solis may have entertained could not properly have been accomplished without the supervision of the American commanders.

Upon careful reconsideration of the record, assisted, as the court has been, by the exhaustive preparation and admirable arguments on these interesting topics by the United States attorney, Mr. Marion Erwin, and Mr. Everett P. Wheeler, proctor for claimant, I am satisfied of the correctness of the decree for condemnation, and I am clearly of the opinion that the additional evidence offered to be taken in connection with that motion to open the decree and admit additional testimony is therefore overruled and denied.

Filed in clerk's office August 18, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

97 *Catalogue and Schedule of Prize Steamship "Adula."*

The steamship "Adula" is a three-masted screw steamer of 772 tons gross and 372 net tonnage under deck. Her dimensions are: Length, 212″ 5; beam, 29″ 1, and depth of hold, 12 feet. She was built in 1889, at Belfast, of steel and iron, and has four bulkheads for water ballast, and coal-bunkers to contain a sufficient supply of coal for an ordinary voyage. She registered April, 1892, as A 00 A 1.

On the forward hurricane deck is situated the pilot-house, in which is located the steering apparatus, and contains a large compass well inclosed in brass housings; also an indicator of the ship's bearings.

Upon the after hurricane deck are three lifeboats swung upon davits, all of sufficient capacity to transport passengers and crew should occasion necessitate such use. These boats are in good order and supplied with necessary apparatus for sailing and rowing.

Upon the bridge are fastened four large life-preservers, easy of access, and upon the main deck are two others of similar size.

In the bow, upon the main deck, are two anchors and anchor chain, with a steam winch and derrick for hoisting same.

Upon this main deck is situated the forward house, divided in thirteen state-rooms, the most forward one being designated as captain's room, in which is stationary a large desk, wardrobe, and sleeping berth, and contains one nautical instrument, two compasses, one spy-glass, one trumpet, and two clocks.

The remaining twelve rooms are arranged for accommodation of 48 passengers, each room containing two stationary and two temporary berths and the usual accessories, such as wash-stand, mirror, and lamp.

Twenty-one life-preservers are distributed in these rooms.

Amidships, upon this deck, is the saloon and pantry, with access to the rooms below deck occupied by the steward and stewardess, and bath-rooms, water-closets, and linen-room. The pantry fixtures consist of lockers, shelves, racks, and dressers, and those in the saloon of two small stationary sideboards with mirrors, a clock and barometer over each; two dining tables 15 feet long, over which are suspended lamps and electric globes, sixteen revolving chairs, and along the sides stationary benches that can be converted into sleeping berths.

98 A medicine chest, fairly supplied with medicines, drugs, and bandages, is one of the saloon fixtures. The after house contains the kitchen, fitted with large cooking range, bake oven, and a large number of utensils. Next, aft of this, is the engine-room and boiler room; then next comes the officers' mess-room, with entrance to state-room on each side, and beyond the entrances to sailors' and firemen quarters on the deck below. In the stern of the steamer is an apparatus by which the vessel's bearings is regulated, its machinery connecting by rods and other means with indicator located in pilot-house on hurricane deck. There are two other steam winches and derricks on this deck, placed at the main and after hatches, for hoisting purposes and loading coal or other bulky freight.

Amidships, on the lower deck, are situated two state-rooms, designated for use of purser and carpenter, furnished like all other sleeping apartments. The center space between these rooms is fitted up with ice-house and closets.

A number of temporary sleeping berths (not enclosed) have been erected upon this deck; they were designed for occupancy by other than first-class passengers.

Engine.

The propelling power of this steamer is a triple-expansion engine, 18–30–49, with 33 inch stroke, and is pronounced by experts first class—in fine condition and good running order; boilers 2 and furnaces 6 in number are said to be in like good order.

Electric plant is located in engine-room and consists of one lighting machine, Crompton patent, No. 1690. It is a 60 kilowat, 100 volts, 85 amperes, capable of furnishing 175 incandescent lights. Switch-board is partly equipped with appliances of English manufacture and partly with Western Electro. Co., U. S. It is propelled

by one 35 h. p. high-speed engine, and the entire plant is apparently in good running condition. Conductors and globes are supplied to each room and to every part of the vessel.

The oil-room is adjacent to engine-room on lower deck and contains tools, lamps, and every material that is used by machinists and engineers in furtherance of their respective vocations.

99 A general store-room on forward lower deck contains quantities of paint, varnish, oil, waste, brushes, and such other materials as is requisite for burnishing and renovating parts of a vessel.

A quantity of hawsers, ropes, lead-lines, canvass, sails, and kindred articles supplies this steamer with every requisite, all being of good quality and ample in quantity for all purposes within a reasonable space of time; there are shovels, swabs, brooms, scouring brushes, fenders, etc., in the ship's furnishings, some of which have become useless from wear and breakage.

To provide against an outbreak or spread of fire, buckets always filled with water are accessible; pumps are located at certain points on the upper and lower decks, fire hose within reach of sufficient length to reach any part of the ship where such fire may be located.

100 *Schedule of Furnishings on Board Steamship "Adula" Appertaining to the—*

Stewardess' department.

97, ninety-seven, mattrasses.
30, thirty, mattrass covers.
80, eighty, pillows.
19, nineteen, bolsters.
66, sixty-six, pillow and bolster cases.
62, sixty-two, bed sheets.
19, nineteen, bed spreads.
3, three, woolen blankets.
54, fifty-four, towels.

Steward's department.

Glassware:

8, eight, fruit dishes.
8, eight, sherbert cups.
63, sixty-three, tumblers.
14, fourteen, decanters.
13, thirteen, wine glasses.
15, fifteen, finger bowls.

Crockery-ware:

8, eight, oval meat platters.
2, two, vegatable dishes.
12 oval (small) dishes.
129, one hundred and twenty-nine, assorted plates.

42, forty-two, coffee and tea cups.
60, sixty, saucers.
5, five, egg cups and 5, five, butter saucers.

Silverware:

2, two, soup tureens and 4, four, ladles; 1 gravy ladle.
10, ten, casters; four without cruets.
1, one, pickle stand and two scoops; 2, two, toast-holders.
1, one, tea urn; 1, one, ice pitcher.
15, fifteen, vegatable dishes; twelve without covers.
2, two, butter dishes and knives; 6, six, glass holders.
3, three, sugar bowls and two sugar tongs.
2, two, cream pitchers; 9, nine, napkin rings.
101 1, one, fish knife and fork; 3, three, trays.
$6\frac{1}{2}$ dozen forks, assorted; $4\frac{3}{4}$ dozens spoons, assorted.
$1\frac{5}{12}$ dozens mustard and egg spoons.
8, eight, nut-breakers; 7, seven, teaspoons.

Hardware:

5, five, dozens assorted knives; 3, three, carvers.
2, two, meat forks; 2, two, steels.

Additional to above detailed statement there is a lot of miscellaneous articles scattered all over the ship, including common chairs, tinware, brooms, buckets, door mats, crocus matting, carpet rugs, and strips of carpets that have been in use, some of them worn and almost useless.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE,
Deputy U. S. Mar.

Endorsement: In the U. S. district court, eastern division, southern district of Georgia. The United States *vs.* Steamship "Adula." Catalogue and schedule. Filed August 23rd, 1898. S. F. B. Gillespie, D. C.

102 *Order Appointing Prize Commissioners.*

District Court of the United States, Southern District of Georgia.

In re Prize Commissioners.

Whereas it is provided under section 4621 of the Revised Statutes of the United States that the district court may appoint prize commissioners, not exceeding three in number, of whom one shall be a retired naval officer approved by the Secretary of the Navy and at least one of the others shall be a member of the bar of the court of not less than three years' standing and acquainted with the taking of depositions:

Now, therefore, it is ordered by the court that Edgar Denmark,

of Savannah, a member of this court of more than three years' standing and who is well acquainted with the taking of depositions, and Julian Schley, of Savannah, be, and they are hereby, appointed severally prize commissioners of this court, to have and exercise all the power and authority properly to be exercised by prize commissioners for the southern district of Georgia by virtue of the laws of the United States.

The court reserves the appointment of a third prize commissioner until a qualified naval officer shall be selected and shall be approved by the Secretary of the Navy.

April 23rd, 1898.

EMORY SPEER,
U. S. Judge.

Filed in office April 25, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

103 *Order Adopting Rules of District Court, So. Dist. of New York.*

In the District Court of the United States for the Southern District of Georgia.

In re Prize Rule.

It is ordered by the court that the rules of the district court from the southern district of New York for prize causes numbered from 1 to 53, inclusive, as published in Benedict's Admiralty, second edition, be, and the same are hereby, adopted and declared to be of force in prize causes in the southern district of Georgia as far as the same may be made applicable to prize causes which may arise in the southern district of Georgia, and with the exception that rule 38 shall be modified so as to require that all moneys brought into court in prize causes shall be forthwith paid into the registry of the court and deposited in the Merchants' National Bank of Savannah; also rule 49 is so modified that the court reserves the right to appoint such persons as the court may think proper to assess damages in the causes in said rule provided for.

April 23rd, 1898.

EMORY SPEER,
U. S. Judge.

Filed in office April 25, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

104 *Preparatory Interrogatories in Prize Cases.*

Standing interrogatories to be administered by a prize commission to all persons that may be produced as witnesses to be examined *in preparatorio* in relation to any ship or vessel, goods, wares, or merchandise which may be captured or taken as prize and brought into the southern district of New York.

Let each witness be interrogated to every of the following questions and their answers to each interrogatory be written down under his direction and supervision:

1. Where were you born, and where do you now live, and how long have you lived there? Of what province or State are you a subject or citizen and to which do you owe allegiance? Are you a citizen of the United States of America? Are you a married man, and, if married, where do your family and wife reside?

2. Were you present at the capture or taking of the vessel or her lading or any of the goods or merchandise concerning which you are now examined?

3. When and where was such seizure and capture made, and into what place or port were the same carried? Had the vessel so captured any commission or letters authorizing her to make prizes? What and from whom? For what reasons or on what pretence was the seizure made?

4. Under what colors did the captured vessel sail? What other colors had she on board, and for what reason had she such other colors?

5. Was any resistance made at the time of the capture, and by whom? Were any guns fired, how many, and by whom? By what ship or ships was the capture made? Were any other and what ships in sight at the time of the capture? Was the vessel captured a merchantman, a ship of war, or acting under any commission as a privateer or letter of marque and reprisal, and to whom did
105 such vessel belong? Was the capturing vessel a ship of war, a letter of marque and reprisal, or privateer, and of what force?

6. Had the capturing vessel or vessels any commission to act in the seizure or capture of the vessel enquired about and from whom, and by what particular vessel was the capture made? Was the vessel seized condemned; and, if so, when and where, and for what reason, and upon what account, and by whom, and by what authority or tribunal was she condemned?

7. What was the name of the vessel taken and of her master or commander? Who appointed him to the command of the said vessel, and where? How long have you known the vessel and him, and when and where did he take possession of her, and who by name delivered the same to him? Where is the fixed place of abode of the master, with his wife and family, and how long has he lived there? If he has no fixed place of abode, where was his last place of residence

and how long did he live there? Where was he born? Of what country or State is he a subject or citizen?

8. Of what tonnage or burden is the vessel which has been taken and about which you are examined? What number of the vessel's company belonged to her at the time she was seized and taken, and how many were then actually on board her? What countrymen are they? Did they all come on board at the same port and time or at different ports and times, and when and where? Who shipped or hired them, and when and where?

9. Did you belong to the company of the vessel so captured at the time of her seizure, and in what capacity? Had you or any of the officers or mariners or company belonging to the said vessel at the time of her capture any part, share, or interest in the same or in the goods or merchandise laden on board her and
106 what in particular, and what was the value thereof at the time the said vessel was captured and the said goods seized?

10. How long have you known the said vessel? When and where did you first see her? How many guns did she carry? How many men were on board of her at the beginning of the engagement before she was captured? Of what country build was she? What was her name and how long was she so called? Whether do you know of any other name she was called by, and what were such names, as you know or have heard?

11. To what ports and places was the vessel concerning which you are now examined bound on the voyage wherein she was taken and seized? Where did the voyage begin and where was the voyage to have ended? What sort of lading did she carry at the time of her first setting out on the voyage, and what particular sort of lading and goods had she on board at the time she was taken and seized? In what year and in what month was the same put on board? Do you or not know she had on board during her last voyage, and when, goods contraband of war, or otherwise prohibited by law, and what goods?

12. Had the vessel of which you are examined any passport or sea brief on board, and from whom? To what ports or places did she sail during her last voyage before she was taken? Where did her last voyage begin and where was it to have ended? Set forth the kind of cargoes the vessel has carried to the time of her capture, and at what ports such cargoes have been delivered. From what ports and at what time, particularly from the last clearing port, did the vessel sail previously to the capture?

13. What lading did the vessel carry at the time of her first setting sail in her last voyage, and what particular sort of lading and goods had she on board at the time she was taken? In what year and in what month was the same put on board? Set
107 forth the different species of the lading and the quantities of each sort.

14. Who were the owners of the vessel and goods concerning which you are now examined at the time of their capture and seizure? How do you know they were owners thereof at that time? Of what nation or country are they by birth and where do they

live with their wives and families? How long have they resided there? Where did they reside previously, to the best of your knowledge? Of what country or State are they subjects or citizens?

15. Was any bill of sale given, and by whom, to the owners of the said vessel and in what month and year? Where and in presence of what witnesses was it made? Was any and what engagement entered into concerning the purchase further than what appears upon the bill of sale? Where did you last see it and what has become of it?

16. In what port or place and in what month and year was the lading found on board the vessel, at the time of her capture or seizure, first put on board her? What were the names of the respective laders or owners or consignees thereof? What countrymen are they? Where did they reside before, to the best of your knowledge, and where were the said goods to be delivered and for whose real account, risk, or benefit? Have any of the said laders or consignees any and what interest in the said goods? What were the several qualities, quantities, and particulars of the said goods, and have you any and what reason to know or fully believe that if the said goods shall be restored and unladen at the destined ports they did, do, and will belong to the same persons and to none others?

17. How many bills of lading were signed for the goods seized on board the said vessel?

108 Were any of those bills of lading false or colorable or were any bills of lading signed which were different in any respect from those which were on board the vessel at the time she was taken? What were the contents of such other bills of lading and what became of them?

18. Have you in your possession or were there on board of the said vessel at the time of her capture any bills of lading, invoices, letters, or other writings to prove or show your own interest or the interest of any other person, and of whom, in the vessel or in the goods concerning which you are now examined? If in your power, produce the same and set forth the particular times when, where, and in what manner, and upon what consideration you became possessed thereof. If you cannot produce such paper evidences, then state in whose possession you last saw them or where you know or believe they are kept, and when and by whom they were brought or sent within this district, and also set forth the contents or purport of such papers.

19. State the degree of latitude and longitude in which the said vessel and her cargo were captured, as also the year, month, and day, and time thereof in which such seizure was made, and in or near what port or place, and whether it was a port of any State or Territory of the United States of America and what one. Was any charter-party for the voyage upon which the said vessel was captured signed and executed, and by whom and when? If in your possession, produce the same. If not, set forth its contents and state what has become of it.

20. What papers, bills of lading, letters, or other writings relat-

ing to the vessl or cargo were on board the vessel at the time she took her departure from her last clearing port before she was taken as prize? Were any of them burnt, torn, thrown overboard,
109 destroyed, or canceled, or attempted to be concealed, and when and by whom, and who was then present?

21. Did you or the owner, master, or person having command of the said vessel or her navigation at the time and place of her capture know or have notice that such place or port was in a state of war with the United States and that the naval forces of the United States held such port in a state of blockade? How, when, or where had you such knowledge or notice and when and where did the master or commandant obtain it?

22. Was such port under an order of blockade by the Government of the United States at the time said vessel or yourself entered or made an attempt to enter the same? Had the warning or notice of such blockade been given to or received by the owner, master, or commander of said vessel or yourself before or at the time she entered or attempted to enter said port, and when and in what manner? Had notice in writing been endorsed on the register or other ship's papers of the said vessel or yourself, and when, where, and by whom, of an existing blockade of such port before she entered or attempted to enter the same or before the time of her sailing or attempting to sail therefrom?

23. Was the register of the vessel about which you are examined shown to or examined by any officer of the United States Navy or by any revenue officer of the United States before she was captured and taken and before she entered the port at or near which she was taken and seized, and was the register or other ship's papers indorsed by said United States officer? Declare fully all you know or have reason to believe respecting this interrogatory, stating the persons, times, and places connected therewith.

110 24. Do you know or do you believe from information, and, if the latter, from what information and when and how was it obtained, that the vessel inquired about at any time or times after the blockade of the said port and with notice thereof and when attempted covertly and secretly to enter the said blockaded port or to sail therefrom without success? Disclose fully all your knowledge, information, and belief thereon, with the particulars upon which the same is founded.

25. Has the vessel concerning which you are now examined been at any time, and when, seized as prise and condemned as such? If yea, set forth into what port she was carried, and by whom, and by what authority or on what account she was condemned.

26. Have you sustained any loss by the seizing and taking the vessel concerning which you are now examined? If yea, in what manner do you compute such your loss? Have you already received any indemnity, satisfaction, or promise of satisfaction for any part of the damage which you have sustained or may sustain by this capture and detention, and when and from whom?

27. Is the said vessel or goods or any, and at what ports, insured? If yea, for what voyage is such insurance made, and what premium,

and when, and by what persons, and in what country was such insurance made?

28. In case you had arrived at your destined port would your cargo or any part thereof on being unladen have immediately become the property of the consignees or any person, and whom, or was the lader to take the chance of the market for the sale of his goods?

29. Let each witness be interrogated of the growth, produce, and manufacture on board the vessel. Of what country and place
111 was the lading concerning which they are now interrogated or any part thereof?

30. Whether all the said cargo or any and what part thereof was taken from the shore or quay or removed or transshipped from one vessel to another, from what and to what shore, quay, and vessel, and when and where was the same so done.

31. Are there in any country besides the United States, and where, or on board any and what vessel or vessels, other than the vessel concerning which you are now examined, any bills of lading, invoices, letters, instruments, papers, or documents relative to the said vessel or cargo, and of what nature are they and what are their contents?

32. Were any papers delivered out of the said vessel and carried away in any manner whatsoever, and when and by whom and to whom, and in whose custody, possession, or power do you believe the same now are?

33. Was bulk broken during the voyage on which you were taken or since the capture of the said vessel, and when and where, by whom, and by whose orders, and for what purpose, and in what manner?

34. Were any passengers on board the aforesaid vessel? Were any of them secreted at the time of the capture? Who were the passengers by name? Of what nation, rank, profession, or occupation? Had they any commission, for what purpose, and from whom? From what place were they taken on board, and when? To what place were they finally destined and upon what business? Had any and which of the passengers any and what property or concern or authority, directly or indirectly, regarding the vessel and cargo? Were there any officers, soldiers, or mariners secreted on board and for what reason were they secreted? Were any citizens
112 of the United States on board or secreted or confined at the time of the capture? How long and why? Whether any persons on board the said vessel at the time of her capture were citizens or residents of any State or Territory of the United States then in a state of war or rebellion against the United States, its Government and laws. If so, who by name and of what State or Territory? What was their employment on board the vessel and what their destination?

35. Were and are all the transports, sea briefs, charter-parties, bills of sale, invoices, and papers which were found on board entirely true and fair or are any of them false or colorable? Do you know of any matter or circumstance to affect their credit? By

whom were the passports or sea briefs obtained, and from whom? Were they obtained for this vessel only and upon the oath or affirmation of the persons therein described, or were they delivered to or on behalf of the person or persons who appear to have been sworn or to have affirmed thereto without their having ever in fact made any such oath or affirmation? How long a time were they to last? Was any duty or fee payable and paid for the same and is there any duty or fee to be paid on the renewal thereof? Have such passports been renewed, and how often, and has the duty or fee been paid for such renewal? Was the vessel in a port in the country where the passports and sea briefs were granted; and, if not, where was the vessel at the time? Had any person on board any passport, license, or letters of safe conduct; if yea, from whom and for what business? If it should appear that there are in the United States or in any other place or country besides the United States any bills of lading, invoices, instruments, or papers relative to the vessel and goods concerning which you are now examined, state how they were brought into such place or country. In whose
113 possession are they and do they differ from any of the papers on board or in the United States or elsewhere, and in what particular do they differ? Have you written or signed any letters or papers concerning the vessel and her cargo? What was their purport, to whom were they written and sent, and what has become of them?

36. Towards what port or place was the vessel steering her course at the time of her being first pursued and taken? Was her course altered upon the appearance of the vessel by which she was taken? Was her course at all times when the weather would permit directed to the place or port for which she appears to have been destined by the ship papers? Was the vessel before or at the time of her capture sailing beyond or wide of the said place or port to which she was so destined by the said ship papers? At what distance was she therefrom? Was her course altered at any and what time, and to what other port or place, and for what reason?

37. By whom and to whom hath the said vessel been sold or transferred, and how often? At what time and at what place and for what sum or consideration? Has the same been paid or satisfied? Was the sum paid or to be paid a fair and true equivalent, or what security or securities have been given for the payment of the same, and by whom, and where do they now live? Do you know or believe in your conscience such sale or transfer has been truly made and not for the purpose of covering or concealing the real property? Do you verily believe that if the vessel should be restored she will belong to the persons now asserted to be the owners and to none others?

38. What guns were mounted on board the vessel and what arms and ammunition were belonging to her? Why was she so armed?

Were there on board any other guns, weapons, warlike arms,
114 or armament of any name or description; and, if any, what?

Were there any parts of warlike arms not put together or finished, or any ammunition, fixed or unfixed, or any balls, shells,

rockets, hand grenades, flints, percussion caps, or any other thing known to be intended for military equipment? Were there any belts, ball moulds, saltpetre, nitre, camp equipage, military tools, uniforms, soldiers' clothing, or accoutrements, or any parts of them, or any sort of warlike or naval stores? Were any of such warlike or naval stores or things thrown overboard to prevent suspicion at the time of the capture, and were any such warlike stores, before described, concealed on board under the name of merchandise or any other colorable appellation in the ship papers; if so, what are the marks on the casks, bales, and packages in which they were concealed? Are any of the before-named articles, and which, for the sole use of any fortress or garrison in the fort or place to which such vessel was destined? Do you know or have you heard of any ordinance, placard, or law existing in such country or State forbidding the exportation of the same by private persons without license? Were such warlike or naval stores put on board by any public authority? When and where were they put on board?

39. What is the whole which you know or believe, according to the best of your knowledge and belief, regarding the real and true property and destination of the vessel and cargo concerning which you are now examined at the time of the capture?

40. Did the said vessel on the voyage in which she was captured (or on) or during any or what former voyage or voyages sail under the convoy of any ship or ships of war or other armed vessel or vessels? For what reason or purpose did she sail under such convoy? Of what force was or were such convoying ship or ships, and
115 to what State or country did the same belong? What instructions or directions had you or did you receive on each and every of such voyages, when under convoy, respecting your sailing or keeping in company with such armed or convoying ship or ships, and from whom did you receive such instructions or directions? Had you any and what directions or instructions and from whom for resisting or endeavoring to avoid or escape from capture or for destroying, concealing, or refusing to deliver up your vessel's documents and papers or any and what other papers that might be or were put on board your said ship? If so, state the tenor of such instructions or copies thereof; if so, leave them with the commissioner, to be annexed to your deposition.

41. Did the said vessel, during the voyage in which she was captured, or on making any and what former voyage or voyages, sail to or attempt to enter any port under blockade by the arms or forces of any and what belligerent power; if so, when did you first learn or hear of such port being so blockaded, and were you at any and what time and by whom warned not to proceed to or to attempt to enter into or to escape from such blockaded port? What conversation or other communication passed thereon, and what course did you pursue upon and after being so warned off?

42. Whether or no the vessel concerning which you are examined did sail on her last voyage, prior to her seizure, carrying a commission or license as a privateer or letter of marque and reprisal or other authority from any person or persons to cruise against

the persons or property of citizens of the United States and to make prizes thereof. By whom was such authority, license, or *or* direction given and when? Was it in writing; if so, did it remain with the vessel up to the time of her capture or was it destroyed
116 or concealed previous thereto. When and by whom? What were the contents or purport thereof? State all the facts in your knowledge within this inquiry and the sources of such knowledge; also state fully all the acts known to you to have been so done by the vessel, her master or crew, under such commission or license up to the period of her capture.

43. Whether or no the said vessel inquired about at any time and when and where sailed or acted in company or concert with any other armed vessel or vessels and what in cruising against, pursuing, or seizing as prize any persons, vessels, or property of citizens of the United States. Declare fully and particularly your knowledge, information, and belief therein.

44. What relations have you now or have you recently had in the Spanish military or naval service and what position or title do they hold or have they held under Spanish authority?

117 *Order in Relation to Interrogatories in Prize Causes.*

In the District Court of the United States for the Southern District of Georgia.

In re rules in prize causes.

Ordered by the court that the form of preparatory interrogatories in prize causes for southern district of New York, as set forth in Benedict's Admiralty, third edition, is adopted in this district for the present American-Spanish war as far as the same can be made applicable, save and except that after the word vessel in 22nd interrogatory as therein set forth it is ordered that there be added the words "or yourself."

Ordered further that the following additional interrogator*ies* shall be, and is hereby, adopted:

Int'y 44. What relations have you now or have you recently had in the Spanish military or naval service and what position or title do they hold or have they held under Spanish authority?

Ordered further that rule thirteen in priz*e* causes heretofore adopted be amended as follows:

The prize commissioners in charge may appoint a skillful stenographer, who shall be sworn to the faithful performance of his du*ty* and who shall take down stenographically and report in typewriting the answers of all witnesses to the standing interrogatories, which answers so reported shall be certified as usual by such commissioners or commissioner.

EMORY SPEER, *Judge.*

Endorsement: *In re* prize commissioners. Order in relation to interrogatories, etc. Filed in office July 21, 1898. S. F. B. Gillespie, deputy clerk.

118 *Order Appointing Rear Admiral A. E. K. Benham Prize Commissioner.*

District Court of the United States, Southern District of Georgia.

In re the appointment of prize commissioner for the southern district of Georgia.

Ordered by the court that Rear Admiral A. E. K. Benham, who has been approved and authorized as such by the Secretary of the Navy, be, and he is hereby, appointed a prize commissioner for said court, with all the duties, obligations, and responsibilities of such office.

EMORY SPEER,
U. S. Judge.

Filed in office July 22, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

119 *Affidavits of Edwin A. Anderson & Inventory of Papers, Str. Adula.*

Affidavit No. 1.

SOUTHERN DISTRICT OF GEORGIA, *ss:*

Before the undersigned personally comes Edwin A. Anderson, who, being duly sworn, deposes and says that he is a lieutenant in the Navy of the United States, and at the time of the capture of the steamship "Adula" by Commander Bowman H. McCalla, of the U. S. S. "Marblehead," on June 29th, 1898, affiant was officer of the deck on said "Marblehead."

That, under orders from Commander McCalla, affiant, on the 28th day of June, 1898, in Guantanamo bay, Cuba, proceeded to search said vessel "Adula" for her ship's papers, and for documents, letters, &c., which might be thereon; that on that evening and on the morning of July 1st, 1898, and afterwards, while said vessel was in his custody, affiant secured from on board said "Adula" all of the letters, papers, and documents herewith scheduled on the inventory hereto attached as Exhibit "A." For convenience of identification, affiant has marked or caused to be marked a designating number on each envelope containing papers with the same number on the paper enclosed in such envelope, and where there are more papers than one enclosed in such envelope has marked said additional papers with the same number as the envelope, adding the successive letters of the alphabet to each additional letter or paper of the enclosure.

All the letters, papers, and documents herewith turned over to the prize commissioners are the same and are in the same condition as they were when seized at the time of the capture of said "Adula," or as seized afterwards as aforesaid, except that certain envelopes were opened under authority of the commander of the United States

squadron or later at the time of making out this inventory by the prize commissioners, in the presence of affiant, in order to complete this inventory and schedule.

Letter on the inventory as No. 34 was found on the person of Don Jose R. Solis, and a translation was made by authority of Admiral Sampson. Letters and documents numbers 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33,
120 35, 70, 110, 144, 149 were found by affiant on the person of said Solis, or in his state-room. Letter No. 147 was found on the "Adula."

Letters and documents numbers 1, 2, 10, 11, 27, 36, 38, 39, 68, 69, 71, 72, 73 were found by affiant on the person of Captain Yeats, of the "Adula," or in his state-room.

The remaining letters numbered on the inventory were found by affiant in the state-room of the purser and state-room of former Captain Walker, of said "Adula," pointed out by purser Williamson. The paper numbered 7 was erroneously entered on this list, it being a paper not found on the "Adula," and is withdrawn.

Affiant further deposes and says that if at any time hereafter, and before the final condemnation or acquittal of said property seized, any further or other papers relating to the said captured property shall be found or discovered to the knowledge of the deponent, they shall also be delivered up or information thereof given to the commissioners or to the prize court.

Affiant further says that he has delivered up to the prize commissioners the said documents, papers, and writings found on said prize as they were found and received by him, without any fraud, subduction, or embezzlement.

E. A. ANDERSON,
Lieut. U. S. Navy, Prize Master.

Sworn to and subscribed before us this 25th day of July, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Comm'r.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

121 EXHIBIT "A" No. 3.

Inventory of the Documents of the Ship and Cargo of the Steamship "Adula," Including the Log Book, with All Other Documents, Letters, and Other Papers Found on Board said Ship.

1. Log book S. S. "Adula."
2. Instructions to Capt. Yeats, S. S. "Adula."
3. Letter addressed Sr. Don Caydiac Vidal para entregar a Don Leonardo.
4. Telegram from Walter Voight, Kingston.
5. Letter addressed to Sr. Don Leonardo Ros.
6. Personal passport, Mr. Jose R. Solis.

7. Letter from Capt. Julien von Ripper, commanding Austro-Hungarian cruiser "Kaiserin" and "Konigin Maria Theresia."
8. Letter addressed to Don Plicaido R. Cespedes, care Jose Solis.
9. Letter addressed to Senor Don Caytano Vidal, and contents, Nos. 9, 9 (*a*), 9 (*b*), and 9 (*c*).
10. Agreement, the Atlas S. S. Co. and Jose R. Solis.
11. Bill of health, "Adula," Kingston.
12. Letter to Sr. D. Edwardo do Carden.
13. " " Eurique Louten.
14. Telegram from Alfonsa Martinez to Solis.
15. Telegram from Bori to Solis.
16. Telegraph from Sam'l Hart & Son to Solis.
17. Telegram from Bori to Perez for Solis.
18. Telegram from Maconelrn to Solis.
19. Telegram from Carbajosa to Solis.
20. Telegram from Carbajosa to Solis.
21. Telegram from Samuel Hart & Son to Solis.
22. Telegram from Carbajosa to Solis.
23. Telegram from Bori to Solis, with memoranda attached marked Nos. 23 (*a*) and 23 (*b*).
24. Telegram from S. Hart & Son to Solis.
25. Telegram from Carbajosa to Solis.
26. Telegram from Bori to Solis.
27. Instructions to Capt. Yeats from Capt. Forwood.
28. Letter from E. Diva to Sr. D. Cay l° Vidal.
29. Letter to Sr. Solis from Pedro Chabrol.

122 30. Documents, passage del Emanuel Raul; contents, Nos. 30, 30 (*a*), &c., to 30 (*k*), both inclusive.

31. Letter to Senor Don Cayetano Vidal, and contents, Nos. 32, 32 (*a*), and 32 (*b*).
33. Letter to Senor Don Leonardo Ros'y Rodriques.
34. Letter to Senor Jose Marimon from O. Fons.
35. Letter to Mr. Adolpha J. Corivaldi, Esq.
36. Ship "Adula's" register.
37. Letter of instructions to Capt. Walker from Capt. Forwood.
38. Clearance papers of the "Adula" from Kingston, Jamaica, dated June 28, 1898.
39. Charter-party of ship "Adula."
40. Letter to Senor Don Francisco, Accor, with enclosure No. 40 (*a*).
41. Letter to Capt. P. M. Beal, with enclosures Nos. 41 (*a*) to 41 (*e*), inclusive.
42. Letter to Mr. Walter G. Beal, with enclosures Nos. 42 (*a*) and 42 (*b*).
43. Lettert o Mess. E. Atkens & Co., with enclosures Nos. 43 (*a*) to 43 (*f*), inclusive.
44. Letter to J. N. S. Williams, Esq., and another letter, marked No. 44 (*a*).
45. Letter to M. E. Atkins & Co., with enclosures Nos. 45 (*a*), 45 (*b*), & 45 (*c*).
46. Letter to Louis Dent, Esq.

47. Certificates of purser as to the amount of money on board.
48. Letter to Sr. Lacelles De Mercado y Ca., with enclosure No. 48 (*a*).
49. Letter to Mrs. Henry Jenkins.
50. Letter to Miss Cairdad Esteran.
51. Letter to Lena Spencer.
52. Letter to Senor Don Julio Poriablas.
53. Letter to Mr. Fran *at* Bastarrethe.
54. Letter to Mrs. O'Naghten.
55. Letter to Chas. D. Fowler, with enclosures Nos. 55 (*a*) to 55 (*f*), incl.
56. Letter to Chas. D. Fowler, with enclosures Nos. 56 (*a*) to 56 (*d*), incl.
57. Clearance papers of the "Adula" from Kingston, two, both dated May, 1898.
58. Letter to Capt. Forwood from Capt. Walker.
59. Charter between Portuando and the Atlas Steamship Co.
60. Letter to F. A. Steel from Capt. Forwood.
123 61. Clearance papers of steamship "Adula" from Kingston, dated June 15, 1898.
62. Letter of instructions to Capt. Walker from Capt. Forwood, May 6, '98.
63. Letter to Peter Jamson.
64. Agreement between Mr. Fowler and the Atlas S. S. Co., May 21, 1898.
65. Letter of instructions from Capt. Walker to Capt. Forwood, May 16, '98.
66. Letter to Capt. Walker from Capt. Forwood, May 21, 1898.
67. Letter to Sr. Dn. Carolina Alongo.
68. Manifest of cargo of "Adula," dated June 28, 1898.
69. Crew list of the Adula, dated June 28, 1898.
70. Personal note book of J. R. Solis.
71. List of stores, ship Adula.
72. Pocketbook of Capt. Yeats, containing letters.
73. Personal memoradum book of Capt. Yeats.
74. Shipping receipts, S. S. Adula.
75. Personal ac. book of purser, S. S. "Adula."
76. Bills of lading of S. S. "Adula."
77. Official log book.
78. Agreement of crew, with duplicate agreement No. 78 (*a*).
79. Account of wages, S. S. "Adula."
80. Night order book of Capt. Yeats.
81. Pay-roll, S. S. "Adula."
82. List of cargo, S. S. "Adula."
83. Letters from W. Rica and C. C. Farquarson, Nos. 83, 83 (*a*), and 83 (*b*).
84. Letter to Capt. Walker from F. Reajawgarthine.
85. Letter to Capt. Walker from C. Murphy.
86. Letter to marine board from Capt. Walker.
87. Memorandum to J. C. Williamson.
88. Letter to R. H. Prestongt.

89. Ticket by S. S. "Adula" to Albert Alford.
90. Memorandum to Mr. Williamson.
91. Memorandum to Mr. Williamson.
92. Letter to Capt. Forwood from y. Mde. Paso, with letter from Capt. Forwood to Capt. Walker.
93. Memorandum from Capt. Walker to Mess. R. B. Nunes & Co.
94. Circular letter from W. Peploe Forwood.
124 95. Postal card from Bird to Mess. Leyden & Co.
96. Memorandum *from* purser of "Adula" from A. D. Jacob.
97. Memorandum to J. C. Williamson from A. Neill.
98. Custom-house receipt at Kingston from collector.
99. Letter to inspector of police, Port Antonio, from purser of "Adula."
100. Card to Deor Lam from Henry Elery.
101. Letter to purser of Adula from Capt. Forwood, enclosing circular.
102. Letter to Capt. Forwood.
103. Letter to Williamson, Esq., from R. H. Preston.
104. Telegram from A. H. Brown & Bros. to J. C. Williamson.
105. Letter to Capt. Forwood.
106. Summary of cargoes, S. S. "Adula."
107. Receipted bill, Mr. Williamson.
108. Memorandum to Capt. Walker from W. Peploe Forwood.
109. Clearance papers, S. S. Adula, from Santiago de Cuba, May 18, 1898.
110. Receipted bill of Solis.
111. Letter to the Hon. D. S. Gideon from W. W.
112. Letter to J. Williamson from Emanuel Lyon & Son.
113. Receipted bill of W. P. Forwood.
114. Letter to chief officer "Adula" from ——.
115. Copy of letter from Capt. Walker to Mess. R. P. Braham & Son.
116. Memorandum from W. P. Forwood to Mr. Williamson.
117. Letter to Capt. Walker from Jas. Clarkson.
118. Memorandum from W. P. Forwood to Capt. Walker, attaching letter from Nunez & Co. and telegram to Capt. Walker.
119. Telegrams to Capt. Walker from Capt. Forwood, being Nos. 119, 119(*a*), and 119(*b*).
120. Telegrams to chief officer "Adula" from A. H. Brown & Bros.
121. Telegram to S. J. Vine from A. S. Aguilal.
122. Telegram to purser of "Adula" from A. H. Broune & Bro.
123. Memorandum book of Capt. Walker.
124. Bar ac. and bar bills, S. S. "Adula," Capt. Walker.
125. Letter from Harold H. Anderson to skipper.
126. Letter to skipper from Tubie.
127. Memorandums of the uniforms to be worn by Atlas S. S. fleet.
125 128. Memorandum, Capt. Walker.
129. Bar ac. and bar book.

130. Card with list of names.
131. Deed to Wm. See, conveying a lot of land in Kingston, Jamaica.
132. Sundry personal bills of Capt. Walker, ship Adula.
133. Report of examiner, sloop Sophia.
134. Clearance papers issued to Walker, master of Adula.
135. Memorandum books found among Capt. Walker's papers.
136. Bar accounts and bar book, S. S. Adula.
137. Store lists of Atlas S. S. Co.
138. One package wine cards.
139. Tax receipt, M. Darling.
140. Compass deviation book.
141. Capt. Walker's ac. book, locked.
142. Letter from marine b'd, Jamaica, to Capt. Walker.
143. Note written by Capt. Walker.
144. Private bills, Mr. J. R. Solis, Nos. 144 to 144 (*k*), both inclusive.
145. Memorandum bill, Hart & Co.
146. Manifest of cargo, "Adula."
147. Letter to F. R. Solis from P. H. Bocler.
148. Memorandum by the purser, S. S. "Adula."
149. Charter-party of schooner "Emanuel Raoul."
150. Letter to Capt. Walker from Harvey & Bourke.
151. Pilot's license of Mr. Walker.

E. A. ANDERSON,
Lieutenant U. S. Navy, Prize Master.

Endorsement: From sealed package from prize commissioners. Opened by the court, and now, July 27th, 1898, marked filed. S. F. B. Gillespie, deputy cl'k.

126 *Affidavit of Lieut. E. A. Anderson, No. 2.*

Southern District of Georgia, Eastern Division.

In the Matter of STEAMSHIP "ADULA." Supplementary Inventory.

Before the undersigned personally comes Edwin A. Anderson, who, being duly sworn, deposes and says that the attached newspapers, scheduled as follows:
No. 152, La Lucha of June 9, 1898;
No. 153, The Daily Gleaner, of June 14, 1898;
No. 154, The Daily Gleaner, of June 25, 1898,
were upon the steamship "Adula," together with numerous other newspapers, at the time of the seizure of the "Adula," as prize of war in Guantanamo bay June 29, 1898; that said newspapers were in circulation among the officers of the "Adula;" that affiant did not take possession of said newspapers, however, until after he had delivered the other papers seized to the prize commissioners; that, having his attention called to the probable importance of said newspapers by the United States attorney, affiant collected such of

said newspapers as were then left on said ship from the dining saloon and engineer's room of the "Adula," being informed by the engineer that the other newspapers found aboard had been destroyed at quarantine, and affiant now delivers same to the prize commissioners in the same condition in which the same were found by him.

E. A. ANDERSON,
Lieutenant U. S. Navy, Prize Master.

Sworn to and subscribed before *me* this July 26, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. Navy, Comm'r.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: From sealed package from prize commissioners opened by the court and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

127 *Oaths of George T. Cann and Manning White, as Stenographers.*

Southern District of Georgia, Eastern Division.

In re the "ADULA." Prize Proceedings. Preparatory Interrogatories.

George T. Cann and Manning White, being duly sworn, depose and say that they will correctly take down and report, as stenographers appointed by the prize commissioners in the above-stated proceedings, the testimony of the witnesses before the prize commissioners on the standing interrogatories in each case and otherwise faithfully perform their duties as such stenographers and typewriters.

GEO. T. CANN.
MANNING WHITE.

Sworn to and subscribed before me this 20th day of July, 1898.

EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship Adula. Prize. Affidavits of George T. Cann and Manning White, upon being sworn in as stenographers. From sealed package from prize commissioners opened by the court and now, this July 27, 1898, marked filed. S. F. B. Gillespie, dep. cl'k.

128 *Depositions of J. C. Williamson.*

UNITED STATES OF AMERICA,
Eastern Division of the Southern District of Georgia.

In re the "ADULA." Prize Cause.

The deposition of James Crerar Williamson, a witness produced, sworn, and examined *in preparatorio* on the 21st day of July, in the year 1898, at the United States court-room, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witness having been produced for the purpose of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory deponent answers: Jamaica. I now live at Kingston, Jamaica, and have lived there all my life, with the exception of one year in America. I am a subject and citizen of England; I owe allegiance to England. I am not a citizen of the United States of America. I am not a married man.

2nd. To the second interrogatory deponent answers: I was present at the capture or taking of the vessel "Adula."

3rd. To the third interrogatory deponent answers: Such seizure or capture was made in Guantanamo bay on the 29th of June, 1898. She was anchored in the bay when we were told we were to be seized. The "Adula" had no instructions or permissions or letters authorizing her to make prizes, so far as I know. I was not present when the ship was seized. I knew the ship was seized when the captain returned from the "Marblehead."

4th. To the fourth interrogatory deponent answers: Under the British flag. I don't know what other colors she had on board.

5th. To the fifth interrogatory deponent answers: No resistance was made at the time of the capture; no guns were fired by the "Marblehead" or by us. The capture was made by the "Marblehead."

At the time of the capture the "Solace" was one ship there and two or three torpedo-boats. I don't know the names of all the vessels. The vessel captured was a merchantman and belonged to Sir William Forwood. I believe he is the registered owner. The managing owners are Leech, Harrison, and Forwood.

129 6th. To the sixth interrogatory deponent answers: I don't know whether the capturing vessel or vessels have commission to act in the seizure or capture of the vessel inquired about. I have knowledge they received notice about us, to look out for the ship; that is only hearsay. I don't know who they received it from: I suppose from the American admiral. The capture was made by the "Marblehead." The vessel has never been condemned.

7th. To the seventh interrogatory deponent answers: Her name was the "Adula;" her master or commander was R. W. Yeates;

he was appointed to the command by Captain W. P. Forwood at Jamaica. I have known the vessel since 1889. I think she was built then. I have known the captain about two years, I should think. He took possession of her at Kingston, Jamaica. The vessel was delivered to him, I suppose, by Captain Forwood; in the office, I suppose. The place of abode of the master is Emmaville, Kingston, Jamaica, and his wife and family live there. He has lived there since I have known him. I don't know where he was born. He is an Englishman and is a citizen of England.

8th. To the eighth interrogatory deponent answers: The "Adula's" net register is 372. The vessel's company was thirty-five belonging to her at the time she was seized and taken, and they were aboard of her at that time. I think, excepting one man, they are all Englishmen; that one man, I think, is a Spaniard. They all came aboard at the same port, but at different times. I cannot remember when and where. The master shipped and hired them; the agreement is always with the master; he always make the agreement, and that at Kingston, Jamaica. I cannot tell you when.

To the ninth interrogatory deponent answers: I belong to the company of the vessel at the time of the seizure, in the capacity of purser. I had no part, share, or interest in the same or in the goods or merchandise laden on board of her; but the liquor on board is the previous captain's perquisites and my personal property. As to the other parties mentioned, I don't know of their interests. So far as I know, they have none.

130 10th. To the tenth interrogatory deponent answers: I have known the "Adula" since 1889, about 9 years. I first saw her at Kingston, Jamaica, in 1889 or 1890. She had no guns. She was built at Belfast, Ireland, of British build. Her name was "Adula" and called so from the time she has been in Jamaica. I don't know what her name was prior to that.

11th. To the eleventh interrogatory deponent answers: The "Adula" was bound to Guantanamo, Santiago, and Manzanillo. The voyage began at Kingston, Jamaica, and was to have ended at Kingston, Jamaica. At the time of her first setting out on the voyage she was loaded with water ballast; at the time she was seized she had on board water ballast. I don't know when it was put on board. During her last voyage she had no contraband of war on board.

12th. To the twelfth interrogatory deponent answers: The "Adula" had no passport or sea brief, that I know of. We had a bill of health from the board of health of Kingston, vised by the Spanish consul. She had the ship's register and the original official articles. The "Adula" sailed straight from Kingston to Guantanamo on her last voyage. It was to have ended at Kingston. She was to have begun at Kingston, gone to Guantanamo. From Guantanamo we were to have gone to Santiago, with the permission of the American fleet, and from Santiago to Manzanillo and from Manzanillo to Kingston. The vessel has carried general merchandise always and unloaded and delivered it at the outports of Jamaica. The voyage before the last voyage we went to Cuba, but we took no

cargo; we went in water ballast. Previous to that we have always gone in water ballast when going foreign, and when going around the coast of Jamaica we have carried always general merchandise. When we went in water ballast we carried passengers and water ballast back. Such passengers were delivered at Kingston, Jamaica. We did not deliver any cargo at Cuba because we never had any cargo to deliver. On the last voyage we sailed at about half past 5 on the 28th of June, and we arrived at about the same time on the 29th of June at Guantanamo.

13th. To the thirteenth interrogatory deponent answers: At the time of her first setting sail on her last voyage the vessel had no lading or cargo.

131 14th. To the fourteenth interrogatory deponent answers: At the time of her capture and seizure the owner of the vessel was Sir William Forwood, registered owner. Leech, Harrison, and Forwood were the managing owners. I know they were the owners because the registered owner is on the register that way, by birth, British. They live with their wives and families in England. I don't know how long they have resided there; I don't know of their residing any other place. They are British subjects.

15th. To the fifteenth interrogatory deponent answers: There was no bill of sale, that I know of, given to anybody. She was built for them, so far as I know.

16th. To the sixteenth interrogatory deponent answers: No cargo on board.

17th. To the seventeenth interrogatory deponent answers: No cargo and no bills of lading of cargo and no papers about cargo.

18th. To the eighteenth interrogatory deponent answers: At the time of the capture of the said vessel there were no goods on the ship. I had some bills of lading that did not refer to any cargo we carried on this voyage, because we had no cargo. I had no letters or writing to show my own interest or the interest of any person in the vessel concerning which I am now examined. I had the ship's register. That shows the ownership of the vessel. I had the articles and the log besides that. I had some old receipts and bills for things delivered, etc. I gave them to the lieutenant that came to the ship as prize master.

19th. To the nineteenth interrogatory deponent answers: I don't know the degrees of longitude and latitude. She was captured in Guantanamo on the 29th of June, 1898, six or half past six o'clock in the evening. Guantanamo is in Cuba. When we left Kingston we understood it was Spanish territory. There was a charter-party for the voyage and the charterer was J. R. Solis. I did not see the charter-party, so I cannot tell what it contained. I know there was a charter-party signed and executed. I don't know who signed it. I don't know anything about the dates or anything else. I have not it in my possession. The captain handed it to Captain McCalla, of the "Marblehead."

132 20th. To the twentieth interrogatory deponent answers: Only the papers I have already stated. Of course there were private papers in the captain's room. Those I had nothing to do

with, except I had charge of the drawer, and they were in his desk. To my knowledge none of them were burned, torn, thrown overboard, destroyed, or concealed or attempted to be concealed.

21st. To the twenty-first interrogatory deponent answers: We knew that America and Spain were at war together in Cuba. I speak for myself; I won't speak for the captain or the owner. I did not know that Guantanamo was blockaded. I did not know that the United States held such port in a state of blockade and had no notice to that effect. I don't know of anybody else having any notice.

22nd. To the twenty-second interrogatory deponent answers: We were told by Commander McCalla that the port was blockaded and that the blockade had been declared the day previous to our arrival. We received notice of such blockade after we were told we were a prize. If we had been warned, we would have cleared out, or at least we would have cleared out with their permission; if we had been told we could not enter and go back to Jamaica, we would have done it very promptly. We had no intention of running the blockade. There was no notice endorsed on her papers of the blockade of Guantanamo.

23rd. To the twenty-third interrogatory deponent answers: There was an entry made on the register at Cienfuegos that it was a blockaded port by Lieutenant Anderson, of the "Marblehead." I don't know how long previous to the 29th of June. I was not present then, but I say the entry on the register. I think it was about a month or more previous—a month or six weeks.

24th. To the twenty-fourth interrogatory deponent answers:

We went back to Cienfuegos after the notice of blockade was endorsed on the register, once with the permission of the American consul and once without. The first time we went there with permission, and on going in (this is hearsay; I was not there myself on the first voyage) we were stopped by the "Marblehead" and entry made on the ship's register by Lieutenant Anderson. On coming out I believe she reported herself to the "Marblehead."

133 On the second voyage we went over with the permission of the American consul, and we saw the American blockading fleet, under command of Commodore Schley, at Cienfuegos. We went in and took passengers, and when we came out we did not see any fleet there, and the third trip we went, we went without permission, and we took passengers, and we came out and saw no ships there, going or coming, until we were about 70 miles off the coast of Cuba, when we were stopped by the "Yankee" and told to proceed on our voyage. The ship was under charter that third time to Salcinas, a Cuban or Spaniard.

25th. To the twenty-fifth interrogatory deponent answers: The "Adula" has never been seized as a prize and condemned as such.

26th. To the twenty-sixth interrogatory deponent answers:

I have personally sustained no loss by reason of the seizure and taking of the vessel concerning which I am now examined.

27th. To the twenty-seventh interrogatory deponent answers:

I don't know whether the vessel is insured.

28th. To the twenty-eighth interrogatory deponent answers:
There was no cargo on board.
29th. To the twenty-ninth interrogatory deponent answers:
There was no cargo on board.
30th. To the thirtieth interrogatory deponent answers:
There was no cargo on board.
31st. To the thirty-first interrogatory deponent answers:
Not to my knowledge.
32nd. To the thirty-second interrogatory deponent answers:
There were no papers taken away except the papers that were given to the United States authorities.
33rd. To the thirty-third interrogatory deponent answers:
There was no cargo on board.
34th. To the thirty-fourth interrogatory deponent answers:
There were no passengers, no persons were secreted, and no officers, soldiers, or marines secreted on board. No citizens of the United States were on board or secreted or confined at the time of the capture. There was one party, a member of the crew, on board, who was the supercargo, who was a Spaniard; his name was J. R. Solis; his employment on board was supercargo, and his destination was Kingston, Jamaica.

134 He is an extra clerk on the ship. There was no cargo to be looked after. He was the charterer of the ship and went in the ship to look after his interests, so as to save complications in carrying passengers and to look after the passengers, to collect the passengers and to berth them, as a charterer generally takes the whole of that out of our hands, because he knows the people.

35th. To the thirty-fifth interrogatory deponent answers:
All papers found on board are entirely true and fair, and none of them are colorable, to my knowledge. I don't know anything to affect their credit. The charter is straight, the papers are straight, and for the purposes they are made out, to my knowledge. There are no passports or sea briefs. No person on board had any passport, license, or letters of safe conduct, to my knowledge. I suppose Mr. Solis must have had his; I don't know for certain he had it. I have not written or sent any paper concerning the vessel or her cargo.
36th. To the thirty-sixth interrogatory deponent answers:
The vessel was steering her course towards the port of Guantanamo, at which port she had arrived and anchored at the time of her first being pursued and captured or taken. Her course was not altered upon the appearance of the vessel by which she was taken. Her course at all times, when the weather would permit, was directed to the place or port to which she appears to have been destined, but it was considerably out of the course on account of the winds and currents; I think to the westward. We could see the blockading fleet at Santiago very plainly. I cannot tell whether she was sailing wide; her course was altered about 2 o'clock of the day she was captured; I mean to say altered perceptibly to me. I say her; she was ahead towards the land, and then turned away from it to the

eastward. Of course, if they altered the course a point or two I would not know it.

135 37th. To the thirty-seventh interrogatory deponent answers:

The vessel has never been sold. I believe she would be returned to the person now asserted to be the owner and no others if released.

38th. To the thirty-eighth interrogatory deponent answers:

There were none, to my knowledge.

39th. To the thirty-ninth interrogatory deponent answers:

To all I know or believe, to the best of my knowledge and belief, regarding the real and true purpose and destination of the vessel and cargo concerning which I am now examined, at the time of the capture, is that she went for refugees, and she is owned by the parties I have previously named, and her final destination was Kingston, Jamaica. She was to have gone from Kingston to Guantanamo, Santiago, and Manzanillo, taking on refugees at each place.

40th. To the fortieth interrogatory deponent answers:

The said vessel, on the voyage on which she was captured or on or during any former voyage or voyages, sailed under convoy of no ship or ships of war or other armed vessel or vessels.

I had no instructions or directions for resisting or endeavoring to avoid or escape from capture or for destroying, concealing, or refusing to deliver to these vessels documents or papers. We are told by the manager to hand everything pertaining to the ship over to the American Government or to the blockading fleet if we met them.

41st. To the forty-first interrogatory deponent answers:

The said vessel, during the voyage in which she was captured and on no former voyage or voyages, sailed to or attempted to enter any blockaded port, unless our third voyage to Cienfuegos is considered such. We had notice that Cienfuegos was a blockaded port. I do not know how that notice was made, because I was not on board the ship at the time; I saw it on the register. That is all I know about it.

42nd. To the forty-*third* interrogatory deponent answers:

The vessel has never done it, to my knowledge.

43rd. The Adula has never sailed in company with any armed ship for the purpose mentioned in this interrogatory.

44th. To the forty-fourth interrogatory deponent answers:

136 I have not now and have not recently had any relatives or connections in the Spanish military or naval service.

J. C. WILLIAMSON.

Subscribed and sworn to before us this July 22, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.

JULIAN SCHLEY,
Commissioner.

EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship "Adula." Prize. Interrogatories — J. C. Williamson. From sealed package from prize commissioners. Opened by the court and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

137 UNITED STATES OF AMERICA, }
Southern District of Georgia, Eastern Division. }

In re the "ADULA." Prize Cause.

Deposition of Robert Williams Yeats, a witness produced, sworn, and examined *in preparatorio* on the 22nd day of July, in the year of 1898, at the United States court-rooms, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witness having been produced for the purpose of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

138 1st. To the first interrogatory the deponent answers:

I was born in London, England. I now live with my wife in Kingston, Jamaica. It will be two years in August, 1898, that I have lived there. I am a citizen of the island of Jamaica, and I am a subject of Great Britain. I am not a citizen of the United States of America. I am a married man, and my wife and family reside in Kingston, Jamaica.

2nd. To the second interrogatory the deponent answers:

I was present at the time of the capture of the "Adula."

3rd. To the third interrogatory the deponent answers:

We were in Guantanamo bay at the time Captain McCalla captured us; that was on the 29th of June. We were in the port, anchored, at the time the capture was made, and the vessel was then carried to Savannah. The "Adula" had no right to make captures of other vessels. The "Adula" was seized on the ground that we had no permit from the American consul at Kingston, Jamaica, to visit Guantanamo. Captain McCalla asked me if I had any permit from the American consul at Kingston, Jamaica, and I said, "No," and he said, "I will seize your ship, then."

4th. To the fourth interrogatory the deponent answers:

The "Adula" sailed under the British flag; we had no other colors on board.

5th. To the fifth interrogatory the deponent answers:

There was no resistance made at the time of the capture, and there was no guns fired. I think the "Marblehead" boarded us and took possession of our boat. I think it was the "Marblehead's" steam-launch that came alongside of us and boarded us.

139 There were several other ships in sight, but I don't know the names of any, except the "Solace." The "Adula" was a merchantman; the capturing vessel was a ship of war.

6th. To the sixth interrogatory the deponent answers:

I don't know anything about as to whether the "Marblehead" had any authority to capture us. The "Marblehead" made the

capture of the "Adula." The "Adula" has never been condemned, that I know of.

7th. To the seventh interrogatory the deponent answers:

The name of the vessel captured was the "Adula," and the name of her master was Robert Williams Yeats. I am put down on the ship's register as master. The board of trade generally recognizes the term "master." The term "captain" is generally given as a courtesy. Captain Forwood at Kingston, Jamaica, appointed me to the command of this vessel. I have known the "Adula" for about six years. I took possession of the "Adula" at Kingston, Jamaica, as well as I can remember, on the 20th of last month, and Captain Forwood delivered the "Adula" to me. The fixed place of abode of my wife and family is Kingston, Jamaica, and I have lived there about two years. I was born in London. I am a subject of Great Britain.

8th. To the eighth interrogatory the deponent answers:

The "Adula" is 372 registered tonnage. There were 35 in the ship's company at the time she was seized, and they were all on board when she was seized. They are all British subjects except one, Mr. Solis; he is a Spaniard. They all came on board at one port, Kingston, on the 28th of June. In our usual trade we have a general cargo on board—that is, in the coastal trade. The crew on board the ship are mostly old hands. Some have been on there some months; some have been there for two or three years. The chief officer generally engages all the hands. All the men came on board on the same day we left Kingston. They were engaged by the shipping officer away from the ship, and I don't know whether they all came on board at the same time, but they all came on board on the same day. In our usual business in plying the coastal trade the men are not required to sign any articles, but for this voyage, which was to a foreign port, they were required to sign the articles. These men were shipped as the law requires, and I think they all signed the articles on the day we left Kingston. The chief officer hires the deck hands and what men he wants, the chief steward hires the stewards, and the engineer would hire his hands, and the purser would take them up before the shipping master and sign them all.

9th. To the ninth interrogatory the deponent answers:

I belonged to the company of the "Adula" at the time of her seizure. I was her master. I had no share or interest in the "Adula" at the time of her capture, and I don't think any of the others in the ship's company had any.

10th. To the tenth interrogatory the deponent answers:

I have known the "Adula" for six years, as well as I can remember. When I first saw her I was running out here on a steamer called the "Maroon," from London to Jamaica, and I saw the "Adula" then along the coast of Jamaica. The "Adula" carried no guns. At the time the "Adula" was captured there were 35 men on board. The "Adula" was built in Belfast, Ireland. The ship's name is the "Adula," and that has been her name ever since she

has been built. I have never known the "Adula" to be
141 called by any other names.

11th. To the eleventh interrogatory the deponent answers: At the time the "Adula" was taken and seized she was bound for Guantanamo bay, Santiago, and Manzanillo. All of these ports are on the island of Cuba. The voyage began at Kingston, and it was to have ended at Kingston. At the time she was taken and seized she had no lading on board; she only carried water ballast. At the time the "Adula" was seized she had no contraband of war on board.

12th. To the twelfth interrogatory the deponent answers: The "Adula" had a passport or bill of health, as we call it, from the authorities at Jamaica, and visaed by the Spanish consul. I don't know whether the "Adula" had any passport or sea brief; I know nothing about them. On the voyage previous before the "Adula" was taken she went around the island of Jamaica on a coasting trip. We went to about 12 ports before we returned to Kingston. The "Adula's" last voyage began at Kingston and was to have ended at Kingston. The "Adula" has been engaged in the coasting trade, carrying produce around the island of Jamaica and carrying goods transshipped from New York and from other places around Jamaica, and then she has been engaged in making trips to Cuba. The "Adula" has made three trips to Cienfuegos, one to Santiago, and this last one to Guantanamo, in which she was captured in Guantanamo bay. The first two trips we made to Cuba were to Cienfuegos, and then one trip to Santiago, and then another trip to Cienfuegos, and then a trip to Guantanamo bay, when we were captured. We landed noth-
ing on the first two voyages to Cienfuegos, and we
142 landed nothing at Santiago, and on the third trip to Cienfuegos we landed some stores. These stores were composed of beef, pork, rice, butter—just provisions. There were about two hundred packages delivered there. On our return trips we brought back Cuban refugees to Kingston. The first two trips we made were for American subjects. They were supposed to be American subjects. We had a permit from the American authorities at Washington or from Mr. Dent, the American consul. I don't know whether they were American subjects that we brought away, but they were supposed to be American subjects, and on the other trips we made we carried back whatever refugees there came along. At the time we made our last trip we stopped at no other foreign port except Guantanamo. On this last voyage we passed near Port Royal, Jamaica, and then we came within seven or eight or ten miles of Santiago. The reason for our going by Santiago was on account of my not being acquainted with the coast line to the eastward of Santiago, and I had no large-scale chart, and therefore I steered more to the westward than I should have done, and I went more to the westward to make out the land, because I knew the coast about Santiago and I didn't know the coast about Guantanamo bay.

13th. To the thirteenth interrogatory the deponent answers:

At the time the "Adula" was captured we had no cargo on board.

14th. To the fourteenth interrogatory the deponent answers:

The "Adula" is supposed to be owned by Forwood Brothers, but, of course, I can't say who owns her. Mr. "W. B. Forwood" is the name put down on the ship's register as the owner. The owners are British subjects, but I don't know where they live. They
143 are citizens of the United Kingdom.

15th. To the fifteenth interrogatory the deponent answers:

I don't know anything about any bill of sale being given for the "Adula."

16th. To the sixteenth interrogatory the deponent answers:

At the time the "Adula" was seized there was no cargo on board.

17th. To the seventeenth interrogatory deponent answers:

There were no bills of lading on the "Adula" at the time she was captured.

18th. To the eighteenth interrogatory deponent answers:

I have my letter of instructions from the owner's agent, Captain Forwood, and I have a copy of the charter-party and the ship's articles, the official log book, and a bill of health from Kingston. Those were in my charge. I think that's all that I had—and, of course, the manifests from Kingston. Mr. Solis was the charterer. As far as I can remember, the purpose stated in the charter was that we were to bring refugees. I don't think the charter-party stated that we were to take on any cargo at all. According to my letter of instructions, I was to go to three ports, and, as I remember, if I remember correctly, I think if the charterer wanted me to go to any other ports I was to go there. As I understood it, as well as I can remember, we were to go to any other ports that the charterer designated and was not put down in the letter of instructions if he wished to go there. I read my letter through only once that came from Captain Forwood, and I can't say exactly what is contained in it. I had no other papers in my possession
144 except the charter-party, which shows the interest that Mr. Solis had in the "Adula," and which was only as charterer. I gave all of my papers to the United States authorities, and I think they were all brought here by Lieut. Anderson. I don't know whether they were brought here or not, but I believe so. The last time I saw them they were in the possession of Commander McCalla, on the Marblehead. I believe all the papers were brought by Lieut. Anderson when he brought the ship from Guantanamo bay to Savannah. I don't exactly remember the exact tenor of the papers that were on board the vessel; it is a long time since I have seen them. As to the purport of the charter-party, I can tell you that the charterer is paying one hundred pounds a day for the ship for the first ten days. As I said before, if he should want me to go to any other port except those specified in the charter-party, I was to go there. There was no additional compensation for this; only 100 pounds a day was to be paid for the first ten days. I think if the

trip ran beyond ten days that there was a special agreement made between Captain Forward and Mr. Solis as to payment for this.

19th. To the nineteenth interrogatory deponent answers:

I do not know the position of the ship at the time she was captured; she was captured in Guantanamo bay, Cuba. I cannot tell you the latitude or longitude in which the "Adula" was captured. She was captured on the 29th of June, about five thirty p. m. The charter-party was signed and executed on the 28th of June by Mr. Solis and Captain Forwood. I had a copy of the charter-party and Mr. Solis had the original; Commander McCalla took my copy away from me; the last time I saw it, it was in the possession of
145 Commander McCalla. I have already stated as to my belief of the contents of the charter-party. At the time the "Adula" took her departure from Kingston, the only papers she had on board were those that I enumerated; there were other papers found in Captain Walker's cabin. Captain Walker was taken with a paralytic stroke, and his cabin was not used at all by me. There were no papers burnt, torn, thrown overboard, or concealed, nor was any attempt made to conceal any when the "Adula" was captured.

21st. To the twenty-first interrogatory deponent answers:

At the time we left Kingston I knew that there was a state of war existing at Guantanamo, but I did not know that the United States ships of war held such port in a state of blockade. I do not know whether the owner knew it. He told me that I would meet war vessels off there, but I did not know anything about any blockade. He said I should meet them off Santiago also. We knew at Kingston that the United States were landing troops off Santiago, but I did not know that the President had issued a proclamation declaring a blockade of Guantanamo or Santiago. As to a blockade, in the strict sense of the word, as to a blockade of Guantanamo bay, I didn't know anything at all about it. I had seen in the papers about Cienfuegos being blockaded, but as to Santiago and Guantanamo bay being blockaded, I never knew anything at all about it. I knew some weeks before that Cienfuegos was blockaded, and I knew that by having gone there on previous occasions. I didn't know whether the owner knew that Santiago and Guantanamo bay were blockaded or not; he simply told me that I should meet warships off there. The first time I knew that Guantanamo was blockaded was when Commander McCalla told me that we had no right there.

146 22nd. To the twenty-second interrogatory deponent answers:

At the time we went to Guantanamo it was apparently under an order of blockade; no warnings or notice had been given to or received by me as to this blockade. At the time we entered the port of Guantanamo I was informed that the port was under the control of the United States military forces; we were inside the harbor then at that time and had anchored. I received no information prior to our anchoring as to this blockade. We passed by one vessel—I think it was the "Vixen"—and they told me to proceed. He fired a gun and I stopped immediately. He asked me where we were

bound, and I said, "To Guantanamo bay." He asked me if I had seen any warships, and I said I passed some going up about an hour or so before—previous—and he directed me to proceed. There was no further conversation between us at that time; in fact, he did not stop his engines at all; just steamed right on up. We were about half a mile from the actual entrance of Guantanamo at that time; at that time I could distinguish the Marblehead plainly. We could see the vessels in the bay before we rounded the point. I could see the ships about four miles off from our anchorage, and I took them to be vessels of war; Capt. Forwood told me that I should see vessels of war around there. When the "Vixen" hailed me we were about half a mile from the entrance to the bay and about four miles from where we anchored. I can only say from the log book how far we were from the entrance to the bay, but we were about four miles from the anchorage in Guantanamo bay. It was only after I had anchored that I was acquainted with the blockade of the harbor. Neither the commander of the "Vixen" or any one on board of the ship gave me any notice as to the
147 blockade. I do not know whether Captain Forwood knew whether Guantanamo was blockaded or not. No notice in writing had been endorsed on the ship's register or other ship's papers of the "Adula" respecting an existing blockade of the port of Guantanamo at any time.

23rd. To the twenty-third interrogatory deponent answers:

Off Cienfuegos the ship's register was endorsed; that was on our first voyage; it was endorsed by Lieut. Anderson, of the Marblehead, to the effect that Cienfuegos was blockaded. There were other points mentioned in the endorsement, I think, but Santiago nor Guantanamo bay were not among them. I am not certain whether Santiago was mentioned or not, but I know that Guantanamo was not mentioned at all. Lieut. Anderson made the endorsement on the ship's register and it was made on the first trip from Cienfuegos.

24th. To the twenty-fourth interrogatory deponent answers:

I don't know that the "Adula" has ever tried to run the blockade at Guantanamo bay. The "Adula" has never attempted to run the blockade at Guantanamo.

25th. To the twenty-fifth interrogatory deponent answers:

The "Adula" has never been seized or condemned as a prize.

26th. To the twenty-sixth interrogatory deponent answers:

I have suffered no personal loss yet, but I will probably lose my position if the vessel is condemned; I will certainly lose my position and the emoluments pertaining thereto. I have received no indemnity for any loss that I have sustained, nor have I received any promise from anybody to this effect.

27th. To the twenty-seventh interrogatory deponent answers:

148 I don't know whether the vessel is insured or not.

28th. To the twenty-eighth interrogatory deponent answers:

No cargo on board.

29th. To the twenty-ninth interrogatory deponent answers:

No cargo on board.

30th. To the thirtieth interrogatory deponent answers:
No cargo on board.

31st. To the thirty-first interrogatory deponent answers:
The United States officers have all the papers relating to the vessel that I know of. They have searched through the ship three or four times, and I presume they have them all by this time.

32nd. To the thirty-second interrogatory deponent answers:
All of the papers were carried away by Captain McCalla, of the Marblehead.

34th. To the thirty-fourth interrogatory deponent answers:
There was no cargo on board, and there were no passengers on board the "Adula," and no passengers were secreted. There were no officers, soldiers, or mariners secreted on board of the "Adula." There were no citizens of the United States secreted on board at the time the "Adula" was captured. At the time the "Adula" was captured there was a citizen of Spain on board the ship—Mr. J. R. Solis; he was born in Cuba and is living there. Mr. Solis was supercargo on board the ship and he was coming back again to Kingston after making the trip. After going to the three
149 ports—Guantanamo bay, Santiago, and Manzanillo—he was to return with the ship.

35th. To the thirty-fifth interrogatory deponent answers:
All of the papers found on board the "Adula" are true and correct. I know of no matter or circumstance to affect their accuracy or credit. We had no passport or sea brief. The only paper we had was the bill of health, visaed by the Spanish consul at Kingston, Jamaica. I think Mr. Solis had a passport; of course, I didn't see that in Jamaica. I believe he showed Captain McCalla the passport; of course, I didn't take any notice about that. I do not know for what business he had that passport. The only papers that are in the United States belonging to the "Adula" were obtained from our boat, and they were on board the "Adula" at the time of the seizure. I know of no other papers being in the United States relating to the ship or cargo, except those taken possession of by Commander McCalla, that I know of. I have signed no papers concerning the vessel or her cargo. I have written one letter to the owners that was perused by Lieut. Anderson. That was only to inform the owners of our position. I wrote to Captain Forwood; he is the agent at Jamaica.

36th. To the thirty-sixth interrogatory deponent answers:
At the time the vessel was first taken she was steering for Guantanamo. The "Adula" didn't change her course when we first saw the war vessels; we just came right into the harbor. On leaving Kingston we didn't steer direct for the port of Guantanamo, as I said before, on account of not being acquainted with the land. I steered to the westward of the port we were bound to. I was not streering in a direct course, as you can see by the log book, on account of not being acquainted with the
150 coast line to the east of Santiago, so I steered to the westward. We just ran down the coast. We were sailing a little wide of the port to where the ship was destined. I don't remember

the course exactly that I laid for Guantanamo. I may have been a point and a half or two points off my course to the westward, with the object of picking up this land that I was acquainted with and then running down the coast to Guantanamo bay. I couldn't take any observations on that day, because it was cloudy, and I wanted to get to a point that I knew about. When I sighted land we were between Guantanamo bay and Santiago. I don't know how far we were from Santiago. I believe we went to within about ten miles of Santiago. I recognized the highlands around Santiago. I won't say it was ten miles; it might have been ten miles. Our course was not altered to any other port except Guantanamo; that was the point that we were steering for. I don't know at what time the ship's course was altered for Guantanamo; that information is down on the log book. We first made for the land that I knew, and then, when we made out the land, we altered the course and went down to Santiago. Previously to steering for Guantanamo bay I was steering to the westward, and I saw several ships there, and I imagined that I would be stopped by some of them, and I slowed down the engines, and I steered about a quarter of a mile in the direction towards Santiago. However, as I wasn't stopped, I turned around and steered direct for Guantanamo, but I was in the proximity of Santiago. My reason for changing my course was seeing the vessels at Santiago, and I expected to be stopped, and I changed my course from the west to the eastward, and then I changed around to the westward. The first time I changed around to the
151 eastward to come to these vessels, and when I found there was no vessels approaching us I then turned right around and turned to the eastward and hauled for the eastward for Guantanamo bay.

37th. To the thirty-seventh interrogatory deponent answers:

I don't know whether the "Adula" has ever been sold. I believe she was built for Forwood Brothers, and has always been owned by them. I know nothing about any sale. I do verily believe that the vessel would belong to Forwood Brothers if it was restored to the owners.

38th. To the thirty-eighth interrogatory deponent answers:

There were no guns mounted on the "Adula" and there was no ammunition on board belonging to her. There was nothing on the "Adula" intended for military equipment; there was on her only the ordinary signal rockets that we have on board. There were no implements of war or naval stores on board; no implements of war were thrown overboard or concealed; there were none there.

39th. To the thirty-ninth interrogatory deponent answers:

To the best of my knowledge and belief, the "Adula" is owned by Forwood Brothers and her destination was to Guantanamo bay for refugees, and then Santiago and Manzanillo and such other places that the charterer may desire to go to after we had visited those ports.

40th. To the fortieth interrogatory deponent answers:

The "Adula" has never been conveyed, to my knowledge.

41st. To the forty-first interrogatory deponent answers:

On going to Cienfuegos on the two first occasions that we
152 went there it was blockaded, and on the third trip there was no blockade there then. I was on board when we went to Cienfuegos; I was chief officer then, known as first mate. We went to Cienfuegos for refugees, and, as I said previously, we had a permit from Consul Dent, United States consul at Kingston, Jamaica; that was on the first two occasions. On the first occasion we were stopped by the "Marblehead," and on the second time we were stopped by the Castine; they ordered us to proceed to the Brooklyn, the flagship. On both those occasions we were allowed to pass; after talking to the captain for some considerable time, the captain allowed us to proceed. On the first and second occasions we had permits to enter Cienfuegos, and on the third visit to Cienfuegos we had no permit that I know of. When we went in on that occasion we were not stopped, because there was nobody there to stop us. The third trip was made, I think, about the 14th of June. On that trip we took some stores in. Captain Walker was in charge at that time. The "Adula" was chartered at that time by somebody in Cienfuegos. I do not know whether it was by a Spanish subject or not. I had nothing to do with the ship's business then. I know that Cienfuegos was supposed to be blockaded, but we hadn't seen any warships there for a considerable time, and that is the reason we went. I don't know whether a permit had been applied for on the third trip or not. There was one trip made to Santiago; there was nobody there to stop us at that time. I don't think there was any notice given of a blockade of Santiago; I don't recall any to my memory now. Those ports were blockaded by the United States of America. I knew that Cienfuegos was blockaded before we left Kingston on the first and second trip. I don't know whether
any notice was given as to the blockade being raised at Cien-
153 fuegos on our third trip. There certainly had been no warships there for a considerable time. The way I knew that was because I heard the captain say there was no warships there. I knew of no notice being given of the blockade at Cienfuegos. As to Santiago, I don't know whether that place was supposed to be blockaded or not; we saw no warships when we entered Santiago, and we saw none when we left; there were no warships there at all that we saw. We were warned by the captain of the "Yankee" after leaving Cienfuegos the third time. After leaving Cienfuegos we were stopped by the steamship Yankee, about 70 miles south of Cuba, and the captain examined our papers and told us not to return to Cienfuegos again; he didn't warn us as to any other port in Cuba. We were warned as to Cienfuegos when we had our register endorsed on the third trip. No officer from the "Yankee" made any endorsement on our register. No information was given me as to Consuls Dent refusing to give us permission to go to Guantanamo. Mr. Solis has told me since the capture that Consul Dent had refused to give him permission to go to Guantanamo; he never told us anything before we left; he just came on board, and we sailed immediately. We had no passport on this trip; we only had our letter of information, which stated that we would probably

meet warships, and gave information as to what was to be done about the ship. As to the extent that Captain Walker was warned, or whether he was warned at all, I cannot say. I received no warning as to the blockade until we were seized in Guantanamo bay by Commander McCalla. Nothing was said by the officer on board the Vixen except to tell us to proceed; he was just passing out, and didn't even stop his engines, and he asked us where we were bound, and we said to Guantanamo, and he said, "Proceed." He
154 was bound towards Santiago, and didn't seem to have much time to stop.

42nd. To the forty-second interrogatory deponent answers:

The "Adula" has never had any letters of marque or reprisal on her, to my knowledge.

43rd. To the forty-third interrogatory deponent answers:

The "Adula" has never sailed with any armed vessel in cruising against or pursuing or seizing as prize any person, vessels, or property of the citizens of the United States.

44th. To the forty-fourth interrogatory deponent answers:

I have no relatives in the Spanish military or naval service.

ROBERT WILLIAMS YEATS.

Answered, subscribed, and sworn to before us this July 23, 1898.

A. E. K. DENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: In U. S. district court, eastern division of so. dist. of Geo. United States *vs.* Steamship Adula. Prize. Interrogatories of R. W. Yeats. From sealed package from prize commissioners. Opened by the court and now, July 27th, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

155 UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

In re the "ADULA." Prize Cause.

The deposition of Jose R. Solis, a witness produced, sworn, and examined *in preparatorio* on the 22nd day of July, in the year 1898, at the United States court-room, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witness having been produced for such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory deponent answers:

I was born in a little town near Havana called Santiago de las Vegas. I now live at Manzanillo, on the south coast, in the province

of Santiago de Cuba. I have lived there ten years next January. I am a subject or citizen of Spain and owe allegiance to Spain. I am married; my family and wife reside at Manzanillo.

2nd. To the second interrogatory deponent answers:

I was present at the time of the capture or taking of the vessel.

3rd. To the third interrogatory deponent answers:

156 The taking of the vessel was in Guantanamo bay, June 29th, 1898. She was carried to Savannah. She had no commission or letters allowing her to make prizes. I cannot tell why the seizure was made.

4th. To the fourth interrogatory deponent answers:

The "Adula" sailed under the English flag. I don't know that she had any other colors. I left on the 28th. I suffer a great deal from seasickness, and as soon as we left Port Royal, off the bay of Kingston, I went to bed and only left bed when we arrived off Guantanamo. When we left she had the English flag, and when we arrived at Guantanamo she had the English flag, and I know of no other flag.

5th. To the fifth interrogatory deponent answers:

No resistance was made at the time of the capture; no guns were fired. When we arrived off Guantanamo—I suppose two or three miles out of the bay of Guantanamo, perhaps more, about four or five miles—we met an American gunboat, which asked us where we were going. We said to Guantanamo. They said, "All right; go on." That is what I heard. So we went a few miles more, and we were in front of the bay and the steamer whistled some times; I don't remember the number of times. I asked what they were whistling for, and they said for a pilot. About 20 minutes afterwards we saw a boat coming. I asked who was coming, and I saw a young gentleman. They told me he was an officer from the United States Navy, with a pilot. I thought the pilot was a Cuban or a Spaniard, because I spoke a few words to him in my own language. I don't know the name of the ship we first met. The ship that made the capture was the "Marblehead." There were

157 several other ships in sight at the time, the names of which I don't know. I read the name of one, the "Solace," with the red and white cross. The "Adula" was a merchantman; the "Marblehead," I think, was a man-of-war; she looks like it.

6th. To the sixth interrogatory deponent answers:

I don't know whether the capturing vessel had any commission to act in the seizure of the "Adula." They put some guards on board the "Adula," with rifles. She was not condemned at all.

7th. To the seventh interrogatory deponent answers:

The "Adula" was the name of the vessel taken. The name of the captain was Yeates. I suppose the Atlas Steamship Company—they are the owners of the vessel—appointed him captain in Kingston. I first went on board the "Adula" June 28th, 1898, in the afternoon, between half past 5 and 6 o'clock. I have seen her in the port of Kingston before. I have known her by sight since the 28th of April, at which time I saw her 5 or 6 miles off, and was told it was the "Adula." The first time I knew the "Adula" was

when I came on board. I don't know when and where Captain Yeates took command of the "Adula." I understood Captain Walker, the previous captain, had a stroke of paralysis. Captain Forwood, of the Atlas Steamship Company, delivered her to Captain Yeates. The fixed abode of Captain Yates is Kingston. I understand he lives in Kingston. I think his wife and family live there. I don't know how long he has lived there. I understand he was born in England. I have heard he was an Englishman. I heard him say so.

8th. To the eighth interrogatory deponent answers:

158 I cannot tell you the tonnage or burden of the vessel. At the time the "Adula" was taken there was 35 composing the ship's crew, and they were all on board when she was taken. They are, I think, all English, except me. I don't know whether they came on board at the same time. I was the last to arrive on the vessel. I don't know who shipped or hired the crew; I suppose the owners did.

9th. To the ninth interrogatory deponent answers:

At the time of the seizure of the "Adula," I belonged to the ship's company. When I left Kingston they asked me whether I would like to go as a passenger or enlist. I said, I didn't know. They said, "You had better go on the articles." So they took me to the custom, house, and I signed as supercargo, and I came as such supercargo, and I think I belonged to the crew since I signed the articles as supercargo. At the time of the capture of the "Adula" I had no interest in her except I was the charterer. I cannot answer as to others.

10th. To the tenth interrogatory deponent answers:

I have known the "Adula" about two months. I first saw her at sea. I was in an English schooner, going from Manzanillo, in Montejo bay, on the north coast of Jamaica. I asked who she was, and they told me she was a coaster. That was between the 28th and 30th of April, about. The "Adula" had no guns that I know of; there was no engagement at the time of her capture. By the plate I saw on her; she was built in Belfast. I don't know how long she had been called the "Adula." I don't know of any other name by which she had been called.

11th. To the eleventh interrogatory deponent answers:

159 The "Adula" was bound to Guantanamo, on the voyage she was taken; from there to Santiago, thence to Manzanillo, thence to Kingston. The voyage began at Kingston, on the 28th at half past 5; it was to have ended in Kingston. She carried no lading at the time of her first setting out on the voyage. I don't think she had any except coal for the trip; she had water ballast. I remember being in the office of the Atlas Steamship Company, and Capt. Forwood called out to one of his clerks to put on sufficient coal for 850 nautical miles; that was after we signed the charter-party. At the time she was taken and seized she had the same cargo, only water ballast and coal; the coal was not as a cargo. I would have known if she had had a cargo on board. I chartered all the vessel. She was not allowed to take a cargo. I cannot tell

whether that was specified in the charter. I think it is specified. She was only to take passengers and no cargoes. I don't think she had on board on that voyage any goods contraband of war.

12th. To the twelfth interrogatory deponent answers:

I don't think the "Adula" had on board any passport or sea brief when she was captured. When I tried to make this trip they told me that the owner of the "Adula" had decided to charter the vessel, if I got from the Spanish consul permission to go into those ports. I went to him and explained to him the kind of voyage we were going to make. I asked him to give me a passport to the Spanish authorities in those ports, to allow me to go in and take passengers, refugees; so he gave me that authority, it being for the sake of humanity, to take those refugees off. I had no other passport. I went to the American consul, Dent, with a letter of introduction from an American gentleman I knew in Trinidad, on the south coast
160 of Cuba—a Mr. Stillman. He was a friend of mine. I explained to Mr. Dent the idea of my voyage. He told me he was sorry he could not give me the passport I wanted, because he was not allowed to give such passports unless he had permission from the American authorities in Washington. As I was going to leave two hours afterwards, he said there was no time to ask permission. I said, "Look here, Mr. Dent, I don't think there is anything wrong, because my intention is to go to Guantanamo and ask permission of the American admiral to allow me to go. If he does not allow me I come back." Then I went to see Mr. Forwood, the agent of the Atlas Steamship Company. I explained what Mr. Dent had told me. He said, "Look here, Solis, I don't think there will be anything wrong, because, besides what you say, I will give the captain a letter with full instructions about what he will do, and this letter you may show to the United States naval officers, and, of course, they will see you go with the purpose of taking passengers and with no other purpose." When I chartered her she had a part of her cargo on board, and Mr. Forwood ordered that portion of the cargo taken off. During her last voyage she sailed direct to Guantanamo and to no other place; we went right to Guantanamo; she went by no other port; we went in sight of no other port. Her last voyage began at Kingston and was to have ended at Kingston. Before this the vessel used to carry a general cargo on the coast to all the ports around the coast of Jamaica. She used to sail from Kingston and go the round trip to all the ports of Jamaica. One time she would go to the west side of Jamaica and then to the east coast. I think she has been going to Cuba to bring passengers.

13th. To the thirteenth interrogatory deponent answers:

161 There was no cargo on board.

14th. To the fourteenth interrogatory deponent answers:

At the time of the capture the owners of the vessel were the Atlas Steamship Company. I know that, because I was told so, and I entered into a contract with them. They are Englishmen. I don't know how long they have resided at Kingston. They are subjects and citizens of England.

15th. To the fifteenth interrogatory deponent answers:
I don't know of any bill of sale being given.
16th. To the sixteenth interrogatory deponent answers:
No cargo on board.
17th. To the seventeenth interrogatory deponent answers:
No bills of lading were on board.
18th. To the eighteenth interrogatory deponent answers:
I have no papers of any kind in my possession. Those I had I delivered to Captain McCalla at the time the "Adula" was captured. I don't know whether there were any papers on board showing my interest in the vessel. I had one copy of the charter-party and the captain had another copy. The charter-party was executed on the 28th of June, 1898, in the morning, in Kingston, in the office of the Atlas Steamship Company. I had to deposit in the Colonial bank one thousand pounds as a guarantee of my part of the charter-party. I had to pay one hundred pounds for every day the vessel was employed in the round trip. In case the vessel was detained I think there was an article I wanted to be put in it that those days would not be counted; I don't remember well. There was no
162 promise on my part to stand any loss for being held up. I did not guarantee the safety of the vessel from capture. I did not promise to shield the owners of the vessel in case she was captured. I last saw the papers on the 29th, when they were delivered to Capt. McCalla, of the "Marblehead." I delivered him all my papers.
19th. To the nineteenth interrogatory deponent answers:
I cannot state the degree of latitude or longitude in which she was captured. We arrived in front of the bay of Guantanamo and then we called for a pilot and they sent us a pilot, with an officer, and this pilot took us into the bay. I suppose the person who sent that pilot was the captain of the "Marblehead." I understand he was the chief there. Then the officer and pilot ordered us to anchor there. While we were at anchor a boat came, I think, from the Marblehead, with Captain McCalla and an officer, whose name is E. A. Anderson. They told us the ship was captured. They asked me for my papers. I gave them all I had. Captain McCalla asked me if they were all. I said, "I think they are all. There may be some in my room." I don't remember, because sometimes you leave papers in your room and you don't remember, and after that he ordered two men to guard me and I was kept there until we left. Those men had rifles and were always watching me. That was on the 29th. We arrived off the bay about 4 o'clock. We stayed there about a half hour, waiting for the pilot. We whistled again and then the pilot came and we went inside about half past 5 or 6. I was the charterer. I and Captain Forwood, the agent of the Atlas Steamship Company, signed the charter. He gave me one copy and kept one. That was on the 28th, in the morning. I gave that to Captain McCalla. The charter-
163 party was drawn up on the typewriter. I cannot give the contents except in a general way. My idea was to take passengers from Guantanamo, Santiago, and Manzanillo and take my

wife and family from Manzanillo. The term was ten days and I was to pay one hundred pounds every day, and, supposing the trip was made in less than 5 days, five hundred pounds. I am not sure, but I think I remember after signing the charter-party there was an addition made to it, in which I stated if the vessel was stopped for any reason which was not in my power, then those days were not to be counted.

20th. To the twentieth interrogatory deponent answers:

At the time the vessel left Kingston I remember very well I told the purser in the office of the Atlas Steamship Company—I remember saying to the company not to take any letter for Cuba. I did not want to be compromised with letters. When I went to leave the hotel some friends came after me to deliver for them some letters. I said, "No, my friends, you compromise me," and they said, "No," and one or two of those letters were closed or opened. I had authority to open any of them. When Captain McCalla came I delivered them to him. Those were private matters, I suppose. There were no other papers that I know of. I know that the captain delivered many papers to Captain McCalla. I do not know what the character of the papers was that the ship carried. Referring to all writings of every kind on the "Adula" when she was taken, none were burned, torn, thrown overboard, destroyed, cancelled, or attempted to be concealed.

21st. To the twenty-first interrogatory deponent answers:

I knew that there was a condition of war existing between
164 America and Spain on the 21st. They told me on board the "Adula" that the blockade of Guantanamo was published on the 27th, the day before. I had not heard it before I left Kingston. I did not know officially Guantanamo was blockaded. On board the "Adula" I heard that on the 27th there was issued an order from the President of the United States declaring a blockade of the port of Guantanamo, but I did not know it until we arrived at Guantanamo. At Kingston I heard there were some warships at Guantanamo, and I told Captain Forwood that the first thing I would do would be to go to the admiral and tell him my intentions. I did not think the papers in Kingston published the blockade. I did not see it if they did. The people generally did not talk about it. I read something about "McCalla's camp." I understood Guantanamo was not blockaded by the United States. I heard that marines had been landed at the entrance to Guantanamo, Caymenera—the bay is called Caymenera—and that the marines had possession of the port, and that the ships were inside. I cannot tell when I received the information that marines had been landed there and taken possession of the point of Guantanamo or Caymenera. Perhaps it was one or two days before. I don't know what the others knew about a state of war existing. I understood Guantanamo was not declared officially blockaded, although there were some vessels there. I got that information from newspapers in Kingston, and from those newspapers I got the information that marines had been landed at the entrance to the bay on the east side; they call it "East point." I don't know when I got the informa-

tion, but think it was the day before the vessel left Kingston. I was at Kingston when I obtained that information; it was Monday, and I left on Tuesday.

165 22nd. To the twenty-second interrogatory deponent answers:

At the time the "Adula" entered or made the attempt to enter the port of Guantanamo, Capt. McCalla told us that the blockade had been declared officially on the 27th. No warning or notice of such blockade had been given to or received by me until the vessel was seized. We found a gunboat going out of the port; the captain asked us where we were going; we said, "Guantanamo," and they said, "All right; go on." That was 5 or 6 miles off. I don't think that vessel said anything about tha blockade. That conversation was between the captain and some one on board the gunboat. I heard part of the conversation. I was on board of the vessel of which I was the charterer. I don't know exactly if there was anything else said. At Kingston the American consul told me, when I asked permission to go to Guantanamo, Santiago, and Manzanillo, that he could not give me such permission; that only the authorities in Washington could give such permission. As I was going to leave that same day, and he said, "I don't think they will give you permission." I said, "Look here, Mr. Dent, as long as I don't go into anything bad; I have seen some telegrams from people there asking for vessels to bring their families, and I think I could go and get the parties; I don't intend to run the blockade or anything of the kind; I don't intend to get a cargo; if you don't give me permission, I think the admiral, after I get to his presence, he will not refuse me to go in, and if he refuses I will come back; I won't attempt to do anything against the American authorities." I was not aware of the blockade of Santiago. I knew there were vessels there. I knew Manzanillo was not blockaded; I am not sure of Santiago, but I am sure about

166 Guantanamo and Manzanillo, and even being blockaded I thought that he or the admiral would give me permission to go there and get refugees, because I did not see there was anything wrong to the United States in bringing refugees that wanted to get away from the path of the war. On the contrary, I thought it was a good thing to take people from the centre of the war. Even as I was doing it upon business principles, at the same time there was a kind of humanity in it. I don't mean to say I did it only from humanity; it was business. I also wanted to bring my family from Manzanillo. Captain McCalla thought I was a spy. Nobody can prove anything on me. I have been in Cuba in a peculiar way. I never went in politics, and I was French consul. They wanted me to be mayor of the town. I told them no; I was French consul. I used to go into the country 15 or 20 miles from the city, and country people always treated me nicely. The people I have in my saw-mill all know me very well. After General Weyler came in the country I could not go in the country any more, because I feared that General Weyler might suspect me of being an insurgent. I don't know anything about any warning or

notice given to the owner, master, or commandant of the ship. I remember that I went to Captain Forwood and told him the American consul would not give to me, as he did to some others, permission to bring refugees, and Captain Forwood said he had already written a letter with full instructions to Capt. Yeates, in which instructions he was explaining clearly the purpose of the vessel, so that all American authorities would know that the vessel was not going to do anything wrong, but only for a good purpose, and I understand this letter was given to Capt. Yeates. I know nothing of any notice of blockade being given to any captain or the owner or the commandant. I don't know whether notice in writing
167 had been endorsed on the register or other ship's papers.

23rd. To the twenty-third interrogatory deponent answers: I don't know whether the register of the "Adula" was shown to or examined by any officer of the navy or revenue officer before she was captured or before she entered the port at or near where she was seized. I don't know whether the ship's register or papers are endorsed by such officer.

24th. To the twenty-fourth interrogatory deponent answers: I don't know and don't believe that the "Adula" has at any time after the blockade of the port of Guantanamo and with notice thereof ever attempted covertly or secretly to enter such blockaded port or to sail from there without success.

25th. To the twenty-fifth interrogatory deponent answers: The "Adula" has not to my knowledge been seized or condemned as a prize.

26th. To the twenty-sixth interrogatory deponent answers: I lose one thousand pounds and my time from the 28th, and I don't know what has become of my wife and children. They told me that Manzanillo was bombarded and everything destroyed. My calculation was, supposing the admiral allowed me to go into Santiago or Guantanamo and to bring my family from Manzanillo, that I could bring 400 passengers. At $60 each, makes $24,000, and my idea was to make the trip in six or seven days. Supposing it took me ten days, it was $19,000 net benefit. I had done it before with two English schooners? Once I took 130 from Manzanillo
168 and Montejo bay. I have received no indemnity, satisfaction, or promise of satisfaction for any part of the damage I may sustain by this capture and detention.

27th. To the twenty-seventh interrogatory deponent answers: I don't know whether the vessel is insured.

28th. To the twenty-eighth interrogatory: There was no cargo on board.

29th. To the twenty-ninth interrogatory deponent answers: There was no cargo on board.

30th. To the thirtieth interrogatory deponent answers: There was no cargo on board.

31st. To the thirty-first interrogatory deponent answers: You have all the papers.

32nd. To the thirty-second interrogatory deponent answers: When we arrived at Guantanamo, Captain McCalla asked me for

all papers and he has all my papers, and he asked the captain for his papers. I know the captain gave him some, but afterwards I remember Mr. Anderson asked the purser for some more papers, and the purser gave him, I think, the register, and when we arrived here two days afterwards, Mr. Anderson, the naval officer, came again and made a search and took some more papers—not mine, because mine were all delivered, but from Captain Walker, who was the previous captain.

33rd. To the thirty-third interrogatory deponent answers:

No cargo was on board.

34th. To the thirty-fourth interrogatory deponent answers:

No passengers were on board the "Adula." I was not a
169 passenger, since I am considered on the articles. No passengers were secreted on board at the time of her capture. I had no duties to perform, only to have my meals and to sleep. I was not told exactly what duties belonged to a supercargo. I don't know that I did anything on board. They treated me very nicely. I took my meals at the table with the captain. They gave me a room to myself. I had no duties. No officers or mariners were secreted on board. No citizens of the United States were on board or secreted at the time of the capture. I, J. R. Solace, was a citizen of Spain at the time the "Adula" was captured. I am of Cuba. My employment was supercargo and charterer. My destination was to go back to Kingston with the vessel. I signed the articles for the round trip.

35th. To the thirty-fifth interrogatory deponent answers:

I only know about my papers. I know they were true. I don't know anything about the vessel's papers. I know of no matter or circumstance to affect their credit. I had a document, about which I told you before, that I obtained from the Spanish consul in Kingston, in which document it says to the authorities of any Spanish port where the "Adula" may go to allow Mr. Solis to take out passengers, since he does it for the sake of humanity. That is what I understand it says on the paper. The day before we left I saw in the Gleaner, a newspaper published in Kingston—there was an article saying that some gentleman called on the Spanish consul asking permission to allow a vessel or steamer to go to Santiago and bring families away, and the Spanish consul would not give such a paper, and then they added, "It is not nice. They ought to allow it
for the sake of humanity." I went to the Spanish consul and
170 told him I had chartered the "Adula" and asked if he would give me that document. He said he was not allowed to give such a document, unless I could be able to take some cargo. I showed him the paper, and I told him I could not take a cargo, because if I was to take a cargo the American authorities would not allow me to go. If I took no cargo, but went for the sake of humanity, any American vessel, perhaps, would allow me to go into those ports. Then after a long talking he says, "All right, come tomorrow, and I will give you this paper;" that is all that happened. The next day I went, and he gave me this paper. The passport was for the "Adula" only. I had to take no oath in order to

get the passport. It was given to me by the consul himself, in the presence of the vice-consul. The passport was to last only for the trip. No duty or fee was payable or paid for the same. There is no duty or fee to be paid on the renewal thereof. Such passport has not been renewed. The vessel was in the port where the passport was granted—Kingston—at the time. In fact, the owners of the vessel would not charter her unless I could get a passport. No person on board has any passport, license, or letters of safe conduct that I know of. I don't know of there being any other bills than those in the hands of Lieut. Anderson and Commander McCalla. Admiral Sampson, after having conversation with me and asking me some questions, asked me if I wanted my papers. I said, Of course, there were some private things, family matters, and business, etc., and I would like to have my papers; so after a few minutes he said, "I am going to deliver them to the United States, where you are going, and I am sure they will deliver them to you after the matter is settled." I had not written or sent any
171 papers concerning the vessel or her cargo, except the charter-party, or signed any. I signed two charter-parties, one to remain in the hands of the owner of the vessel, and the other one was given to me. The one I had was delivered by me to Commander McCalla, of the Marblehead. The other one, I don't know what became of it.

36th. To the thirty-sixth interrogatory deponent answers:

At the time the vessel was taken she was steering her course towards Caymenera. The direction in which she was going was not changed at the time we saw the capturing vessel. The "Adula" was at anchor at the time the capture was made. I was told that the captain of the Marblehead already knew we were going into Guantanamo, because consul Dent had sent telegrams from Kingston. Her course at all times when the weather would permit was directed to the place or port for which she appears to have been destined by the ship's papers. I was seasick in my room, suffering very immensely. I went to bed when we left Kingston, and didn't get out of bed until we arrived at Guantanamo bay. The orders given to the captain were to go straight to Guantanamo. I had no right to direct the captain. We agreed that the vessel would go from Kingston to Guantanamo, from Guantanamo to Santiago, and from Santiago to Manzanillo. If I was to state to the captain to go here he would say, "You have no right to direct me." I did not have the right to direct them to any particular port. We were not trying to take in ports on our way. If I could not get to Santiago I had to go to Manzanillo. I had no right to direct the navigation of the boat. The only right I had was to direct it from Kingston to Guantanamo, and from Guantanamo to Santiago,
172 and from Santiago to Manzanillo, and from Manzanillo to Kingston. At the time of her capture or before I believe the vessel was not out of her direct course to the port she was destined by the ship's papers. Her course was not changed at any time. I remember that the purser came to my room when he was passing by. He said, "Look here, Solis, we can see already some

vessels." Although I was sick I wanted to see some American men-of-war. I had never seen any and I went out to look, and they were off about ten or 12 miles. We didn't get any closer. I don't know whether the course was changed or not.

37th. To the thirty-seventh interrogatory deponent answers:

I don't think the vessel has been sold. I know of no sale. I thoroughly believe that if the vessel should be restored she would belong to the persons now asserted to be the owners and none others.

38th. To the thirty-eighth interrogatory deponent answers:

No guns were mounted on board the vessel and no arms or ammunition were on board, I don't think. The day following our arrival at Guantanamo they sent a launch with 15 or 20 sailors, and they went around looking all over the vessel's boilers and everything. From what I heard they did not find anything. I do not know that there were any arms. There was no sort of warlike stores or naval stores on board and none were thrown overboard to prevent suspicion at the time of the capture, and none were concealed on board at that time.

39th. To the thirty-ninth interrogatory deponent answers:

My real belief of the ownership of the vessel is the Atlas Steamship Company. The destination was Guantanamo—from Guantanamo to Santiago, from Santiago to Manzanillo, and from
173 there to Kingston. Once in Kingston the voyage was accomplished.

40th. To the fortieth interrogatory deponent answers:

The "Adula" on the voyage on which she was captured and on no former voyage or voyages sailed in company of any armed ship. I had no instructions as to what to do with the ship's papers should an attempt be made to capture the "Adula," and had no instructions to resist capture.

41st. To the forty-first interrogatory deponent answers:

The "Adula" did not in the voyage during which she was captured sail to any blockaded port except Guantanamo, which she asked permission to enter. I know nothing about any former voyage. I know she has made other voyages to Santiago and Cienfuegos, but I don't know the particulars. I know she was doing that business regularly; she had made 4 or 5 voyages. I first learned and heard of the port of Guantanamo being blockaded when Capt. McCalla said it had been officially declared blockaded on the 27th. I have answered you what I learned from the American consul. I knew there were troops and vessels in Caymanera bay, or Guantanamo bay, as you call it. I knew that perhaps the day before. I don't remember exactly. I don't remember anything about the order of the President declaring the blockade. I did not know anything officially until I arrived at Caymanera, or Guantanamo. The Daily Gleaner said some troops had been landed at Playa del Este. I knew by what I saw in the papers that there were vessels and such things around Santiago. I don't know much about these international

things. I went to see Consul Dent with a letter of in-
174 troduction from a friend of mine called Stillman. He owns an estate in the south of Cuba, at a place called Trinidad. I went to Consul Dent's office and asked permission to go to those ports. He asked me whether I had the consent of the Spanish consul. I said I had it. Then he said to me he was sorry he could not give me such permission; that he was not allowed to give such permission; that it could only come from Washington, from the Government. I saw there was no time to get permission from Washington, and being under an expense of one hundred pounds every day, and thinking there was nothing wrong in taking refugees from Cuba, I thought — going direct to the United States navy and asking permission from the admiral or commodore or whatever chief I met. I did not think they would refuse me permission to go. I had information there were United States vessels on the south coast of Cuba. Of course, their object was to do as much damage as they could to the enemy. Mr. Dent told me not to go. I don't remember his giving any particular reason for not going. I told him those voyages had been made at other times, and that it not being my intention to take a cargo, but my only idea was to bring refugees. I showed him the paper published the day before, in which they stated the Spanish consul would not give permission, and that it was not nice, etc. Mr. Dent did not give me any reason why I could not go there. He told me not to go, and I answered to him that I was not going for anything wrong. He said to me he could not give me permission. Then I said to him, I decided to go, and I don't think there will be any harm for me, since I didn't go for any bad thing, but only to bring refugees. I did not think I did any harm to the United States in that. I
don't remember Mr. Dent telling me the vessel would be
175 liable to capture. He said I ought not to go, and that he could not give me such permission. I remember one part of Mr. Stillman's statement was, "I think they should give you permission, because it is for the sake of humanity." Mr. Dent and I had a long conversation, but only referring to business in Cuba, and I began to explain my own idea and what would become of Cuba. He asked me the situation in Cuba and what I thought. We were talking friendly. Under ordinary circumstances it would not be necessary for me to get permission from Mr. Dent, because Capt. Forwood told me he never thought it necessary to get permission of the consul, since it was not a business matter, such as bringing a cargo or wrong things. I went to the consul, induced by a Cuban gentleman called Miranda, that I think is employed there or receives favors from the consul. That gentleman made an appointment with me for 2 o'clock in the consul's office. When I went to the consul's office I was nearly satisfied of obtaining that permission, because I thought this gentleman, Mr. Dent, had given permission at different times of the same kind. If I had known he was not going to give me such permission I should not have lost my time in going, and since Capt. Forwood, of the Atlas line, told me he didn't consider there was any danger in going for refugees. It

was 2 or 3 hours after the conversation with Mr. Dent that I sailed. I went to the office of the Atlas line, and went to the hotel and got my meal and luggage. About me personally, Consul Dent knows very well I am not to be suspected. A few days before I left Manzanillo a general who was there found that an American gentleman was suspected of keeping up correspondence with the enemy. He was compelled to leave town with his family within 24 hours. He had no money, and there was no vessel leaving Manzanillo. He was
176 obliged to go to prison or go to the insurgents. He did not want to go to the insurgents. He asked me would I be responsible for him. I said, "It is very hard. I know you have two sons; one of them wanted to go to the insurgents. You see, the responsibility is upon me if one of your sons goes to the field." He promised me, and then I went to see the general, and held myself responsible for the American citizen, that he would be quiet there and do nothing until the first foreign vessel should sail from Manzanillo to a foreign port. Five days afterwards there was a foreign vessel, and I shipped them on that vessel. When the war began the American consul wanted to deliver to me all the documents belonging to the consul. I accepted. Four days after I had decided to accept I was compelled to ask permission of the French consul general, and, four days after, he sent me word, "Refused absolutely."

42nd. To the forty-second interrogatory deponent answers:

I know nothing of any prior voyages or any letters of marque or reprisal.

43rd. To the forty-third interrogatory deponent answers:

The "Adula" never, to my knowledge, sailed or acted in company or concert with any armed vessel or vessels in cruising against, pursuing, or seizing a prize, any persons, vessels, or property or citizens of the United States.

44th. To the forty-fourth interrogatory deponent answers:

We have seven in the family. They are all civilians. One brother is a lawyer; the other two are younger and were with me as clerks in my lumber business. They did not behave nice to me. I was obliged to go to Havana for 2 or 3 months. They spent too
177 much money. We had a little family quarrel and both went to Havana. I know when they went to Havana they were employed by one of my uncle's houses, the Marquis Rabell. I have no relations in the army or navy of Spain. Perhaps after that time my brothers may have gone into the volunteer service.

JOSE R. SOLIS.

Answered, subscribed, and sworn to before us this July 22, 1898.

A. E. K. DENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: In U. S. district court, eastern division of so. dist. of Ga. United States *vs.* Steamship Adula. Prize. Interrogatories

of Jose R. Solis. From sealed package from prize commissioners, opened by the court and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

178 *Deposition of Horatio Morris.*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

Deposition of Horatio Morris, a witness produced, sworn, and examined *in preparatorio* on the 21st day of July, in the year 1898, at the United States court-rooms, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witnesses having been produced for the purpose of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory the deponent answers:

I was born in Jamaica in 1872, and I have lived there ever since. I live in Kingston, Jamaica. I am a British subject. I am not a citizen of the United States of America. I am not married.

2nd. To the second interrogatory the deponent answers: I was present when the "Adula" was captured by a United States warship.

3rd. To the third interrogatory the deponent answers: When the "Adula" was captured she was just abreast the harbor's mouth of Guantanamo, Cuba. I think the "Adula" was captured on the 29th of June. I don't know whether the "Adula" had letters to capture other ships. I don't know why the "Adula" was seized.

4th. To the fourth interrogatory the deponent answers:

The "Adula" sailed under the English flag. The only flags that I saw was the company's flag and the ensign.

5th. To the fifth interrogatory the deponent answers:

There was no resistance by the "Adula" when she was seized by the United States men-of war. The "Marblehead" made the capture. I don't know whether there were any other warships in sight. The "Adula" is a merchant ship; the "Marblehead" is a warship.

6th. To the sixth interrogatory the deponent answers:

I don't know whether the "Marblehead" had any right to seize the "Adula" or not. The "Adula" has never been condemned, as far as I know.

7th. To the seventh interrogatory the deponent answers:

179 The name of the vessel captured was the "Adula;" the name of her master was Captain Yeates. I think Captain Forwood, at Kingston, Jamaica, appointed Captain Yeates to command the "Adula." I have known the "Adula" for four years. I have known Captain Yeates for about two years. Captain Yeates came aboard of the "Adula" at Kingston. I don't know who delivered the "Adula" to Captain Yeates. Captain Yeates lives in

Kingston, Jamaica; his wife and child live there also. Captain Yeates is an Englishman, but I don't know where he was born.

8th. To the eighth interrogatory the deponent answers:

I do not know of what tonnage the "Adula" is. I do not know how many people there were in the ship's company; I can't tell that exactly. Every person that came on board at Kingston, Jamaica, was on board the "Adula" when captured. Some of the "Adula's" crew are from Jamaica and some from Nassau. There was also a passenger on board. I don't know what his nationality is; some say he is a Spaniard and some say he is a Cuban. All that were on board of the "Adula" when she left Kingston were on board when she was captured. Some of the men on the ship have been there for three years, some four years, and some have been there only six or seven months. They came on at various times. The government shipped us and Captain Forwood hired us; he is the master of the ship. Captain Yates took us on as sailors. I have been with the "Adula" for about three years. The one who hired me first was a mate by the name of Mr. Rice.

9th. To the ninth interrogatory the deponent answers:

I did belong to the ship's company at the time the "Adula" was captured in Guantanamo harbor. I was a sailor. I have no interest or share in the ship. I don't know whether any of the mariners of ship's company have any share in the ship.

10th. To the tenth interrogatory the deponent answers:

I have known the "Adula" about four years now. The first place I saw her was in Kingston. The "Adula" does not carry any guns at all. The Adula is an English boat. I don't know how long she has been called the "Adula," but I have known her about four years, and she has had that same name ever since I have known her.

11th. To the eleventh interrogatory the deponent answers:

180 The "Adula" left Kingston, Jamaica, for Guantanamo. The voyage was to have ended in Kingston, after she had reached Guantanamo. After she has reached Guantanamo I don't know where she was to go after that. The only load she had on board when she left Kingston was some coal, nothing else; she carried coal, but I don't know whether it was to be sold or not. The "Adula" carried no load at all; there were no goods on board at all.

12th. To the twelfth interrogatory deponent answers:

I don't know anything about any papers that the "Adula" had. The "Adula" left Kingston to go direct to Guantanamo and she went direct to Guantanamo; she didn't go to any other port and didn't get in sight of any other port. All the time she was sailing I was all around the deck. The "Adula's" last voyage began in Kingston, Jamaica, and was to have ended in Kingston, Jamaica. When the "Adula" coasted around the island of Jamaica we carried all kind- of fruit, wet goods, and dry goods. The first place we get to is Port Antonio. I don't know that she made any other trip except over to Cuba. Since I have been aboard of the "Adula" I have made four trips in her to Cuba. This trip to Guantanamo

makes the fourth one. I went four times to Cuba. The first place I went to was Santiago. I went twice to Santiago, once to Guantanamo. This is the first time we went to Guantanamo. There was another port that we went to; that was Cienfuegos. When the boat went to Cuba she went in to take refugees. When we went to Santiago, Cienfuegos, and Guantanamo we didn't take any cargo aboard, but we did put on board goods when we went to Santiago and Cienfuegos; they were marked "ship stores;" there were boxes, barrels, and bags; I handled them and they were heavy. I don't know whether they put any of these goods ashore when we came to Santiago and Cienfuegos. I was around the deck and I didn't notice them. I haven't heard of any goods that were put on shore.

13th. To the thirteenth interrogatory deponent answers:

The only cargo that the "Adula" had on board when she went on this last trip to Guantanamo was coal.

181 14th. To the fourteenth interrogatory deponent answers:

I think Captain Forwood owns the "Adula." He usually comes on board the boat and goes around the boat and gives orders, and it must be from that that he owns it. I don't know what nationality Captain Forward is; he lives in Jamaica; I don't know where he lived before he came to Jamaica; I don't know where he comes from; I don't know of what country he is a subject.

15th. To the fifteenth interrogatory deponent answers:

I know of no bill of sale being made for the "Adula." I don't know of any trade being made to sell the "Adula."

16th. To the sixteenth interrogatory deponent answers:

No cargo on board.

17th. To the seventeenth interrogatory deponent answers:

No cargo on board and no bills of lading pertaining thereto.

18th. To the eighteenth interrogatory deponent answers:

I have no papers in my possession of any kind relating to the Adula. I have no papers in my possession showing any particular interest of any person in the "Adula."

19th. To the nineteenth interrogatory deponent answers:

The "Adula" was captured on June 29th between three and four o'clock—about—in Guantanamo harbor's mouth. I heard that a man aboard the ship, named Solis, was the charterer of the "Adula." I never have seen the charter party.

20th. To the twentieth interrogatory deponent answers:

I don't know what papers were on board the "Adula" when she left Kingston. I don't know anything about any papers being hidden away or burned or destroyed.

21st. To the twenty-first interrogatory deponent answers:

At the time we sailed for Guantanamo I knew that war was going on between the United States and Cuba. Guantanamo is in Cuba, and I knew that war was going on between Cuba and the United States. About three days before I left Kingston I heard that Guantanamo was blockaded; I heard it from people around the streets; I didn't see it; I heard it was in the papers; I never heard any of

the officers of the "Adula" or people on board talking about
182 Guantanamo being blockaded, and I don't know exactly whether the owner or master or officers of the ship "Adula" knew that Guantanamo was blockaded. I knew about it, but I don't know anything about them. I don't know how I found it out, but I heard it on the streets of Kingston.

22nd. To the twenty-second interrogatary deponent answers:

We didn't enter the port of Guantanamo; at that time we went up to the mouth of the harbor, and at that time when we got to Guantanamo we found the warships there blockading the harbor; I don't know anything about any order being given to blockade it. The crew of the "Adula" made out, about a mile and a half before we reached Guantanamo, a small cruiser, and the "Adula" stopped, and the cruiser ran up across the bow, and the captain of the cruiser asked us, "Didn't you sight the warships down to Santiago?" and the captain said, "Yes," and the captain stopped, and he said, "Didn't you hear that Guantanamo was blockaded?" and our captain said, "Yes;" then he said, "You can proceed on." I heard about the blockade in Kingston, but after leaving Kingston, until we met this cruiser, I never heard about it any more. I know nothing about any writings or indorsements on the ship's register.

23rd. To the twenty-third interrogatory deponent answers:

I know that the ship's papers were shown to the United States officers on the voyage to Santiago; I don't exactly know the time when that was; it was within a month of this last trip. We were stopped on the voyage to Cienfuegos and Santiago; I saw the United States officer come aboard the ship and stop us; I never saw the officer look at the papers, but I saw the captain coming to him with the papers in his hands; I don't know what was written on the papers, as I never examined them.

24th. To the twenty-fourth interrogatory deponent answers:

I don't know that the "Adula" has ever tried to run the blockade at Guantanamo; I don't know that, and I don't believe it.

25th. To the twenty-fifth interrogatory deponent answers:

I don't know that the "Adula" has ever been sold as a prize of war before.

183 26th. To the twenty-sixth interrogatory deponent answers:

I have sustained no loss through the capture of the "Adula." When I get back to Kingston I will be paid for all my time; the custom officer and the purser will pay me. Nobody has agreed to pay me for any losses that I sustained in case the ship was captured.

27th. To the twenty seventh interrogatory deponent answers:

I know nothing about the ship being insured.

28th. To the twenty-eighth interrogatory deponent answers:

No cargo on board.

29th. To the twenty-ninth interrogatory deponent answers:

No cargo on board.

30th. To the thirtieth interrogatory deponent answers:

No cargo on board.

31st. To the thirty-first interrogatory deponent answers:

No cargo on board and no papers pertaining thereto.

32nd. To the thirty-second interrogatory deponent answers:
I never saw any papers being taken away from the ship.
33rd. To the thirty-third interrogatory deponent answers:
No cargo on board.
34th. To the thirty-fourth interrogatory deponent answers:
Mr. Solis was on board when the ship was captured. I don't know whether he was a passenger or not; they say he is the charterer; he is the only one that could have been a passenger. Mr. Solis was not hidden away when the ship was captured. I don't know what nationality Mr. Solis is; he speaks the Spanish language. I don't know what his profession is and I don't know about what his business is. Mr. Solis came on board at Kingston, Jamaica. I don't know when he came on board the ship, but he was there before we left. I don't know what Mr. Solis' final destination was. I know nothing about his business. I don't know what interest Mr. Solis had in the "Adula." I don't know what authority he had over the boat; he didn't give me any orders, and I didn't hear him give any orders to anybody. Nobody was secreted away on board the ship. There were no citizens of the United States on board the ship coming from Kingston. I don't know where Mr. Solis lives, but we took him on board from Kingston.
184 Mr. Solis speaks Spanish, but I don't know what country he belongs to. Mr. Solis did not-ing on board the ship.
35th. To the thirty-fifth interrogatory deponent answers:
I know nothing about any papers on board the ship.
36th. To the thirty-sixth interrogatory deponent answers:
At the time the "Adula" was captured, we were going to Guantanamo. When we cited the "Marblehead" she was lying outside, and we were out there, spinning right around and round, waiting for something—I don't know what—and the "Marblehead" was in sight. The "Adula" was right abreast the harbor's mouth of Guantanamo and was steaming right around. From the time the "Adula" left Kingston, I don't know anything about whether she went right in a straight line across. We went down the coast of Cuba before we got to Guantanamo. We saw some war vessels down to Santiago. We were about 4 or 5 miles off Santiago harbor, and then we headed straight on up the coast, and we saw a cruiser before we reached Guantanamo. I don't know whether the "Adula" was ever wide of her course or not from the time we left Kingston until we got to Guantanamo. When we sighted the warships at Santiago we were coming up past there, and we saw them about 4 or five miles away, and we passed right on by them. Before we saw them we didn't have up any flag, but when we saw the warships we hoisted the flag, and went right along up there. I don't know whether the course of the ship was altered at Santiago or not. The "Adula" was coming right straight down the coast.
37th. To the thirty-seventh interrogatory deponent answers:
I don't know that the "Adula" has ever been sold. If the boat was returned back to the owners, I believe that Captain Forwood would be the owner.

38th. To the thirty-eighth interrogatory deponent answers:

There were no guns on board the boat when she was captured; no arms, ammunition, gun-cotton, or any war material of any kind that I saw; no pistols either.

185 39th. To the thirty-ninth interrogatory deponent answers:

When the boat was captured, I believe it belonged to Captain Forwood. I believe it was bound to Guantanamo when it left Kingston, Jamaica, on this last voyage.

40th. To the fortieth interrogatory deponent answers:

The "Adula" has never been convoyed, to my knowledge.

I received no instructions to do anything in case the "Adula" was captured by any warships.

41st. To the forty-first interrogatory deponent answers:

I went twice to Santiago, once to Guantanamo, and once to Cienfuegos. The first time the "Adula" came to Cuba I wasn't on board the boat, but I think she then went to Cienfuegos. The second time we went to Santiago the ports wasn't blockaded, but all the other times that we went to Cuba the ports that we went to were blockaded, and lots of men-of-war out there. At the time the "Adula" was captured she was sailing for the blockaded port of Guantanamo; she was not at that time going to Santiago. I heard about these ports of Santiago, Cienfuegos and Guantanamo being blockaded a long time before we went there. Each trip we made to the ports in Cuba, I heard about their being blockaded before we left Kingston. I never was warned not to go to these blockaded ports, but when we left Santiago we met a cruiser, and the captain asked our captain if he didn't hear that Santiago was blockaded. I heard our captain say "Yes," and he said, "We are going to blockade Santiago now," "and I am very sorry to stop you; you can proceed on your journey." This happened on the second trip I made to Santiago. I never was warned about any of these other places being blockaded, and I could not tell whether any one else was warned about it.

42nd. To the forty-second interrogatory deponent answers:

I know nothing about any letters of marque or reprisal or other letters that the ship carried.

43rd. To the forty-third interrogatory deponent answers:

I never have seen the "Adula" sailing along in company with any armed vessel for the purpose of making captures or seizures.

186 44th. To the forty-fourth interrogatory deponent answers:

I have no relatives in the Spanish service.

HORATIO MORRIS.

Subscribed and sworn to before us this July 22, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship Adula. Interrogatories of Horatio Morris. From sealed package from prize commissioners. Opened by the court, and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

187 *Deposition of James Clarkson.*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

In re THE "ADULA." Prize Cause.

The deposition of James Clarkson, a witness produced, sworn, and examined *in preparatorio* on the 21st day of July, in the year 1898, at the United States court-room, Savannah, Georgia, on the standing interrogatories established in the district court of the United States for the southern district of Georgia, the said witness having been produced for the purpose of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory deponent answers:

I was born at Preston, Lancashire, England; I now live in Kingston, Jamaica; I have lived there since November, 1896. I think I had been there about twenty months before I left. I owe allegiance to England; I am a subject and citizen of England. I am not a citizen of the United States of America. I am not a married man.

2nd. To the second interrogatory deponent answers:

I was present at the time the "Adula" entered the port of Guantanamo and at her capture. I was present at no lading.

3rd. To the third interrogatory deponent answers:

The seizure was made in the harbor of Guantanamo, and she was in that port when she was captured. I am not going to confine myself to the date. My record is the log book; I must refer you to that for all dates. The capture was made on the 29th of June, as near as I can remember, 1898. I have no notice of whatever letters she carried. I cannot say upon what pretext the seizure was made.

4th. To the fourth interrogatory deponent answers:

She sailed under English colors and had no other colors on board.

5th. To the fifth interrogatory deponent answers:

She made no resistance at the time of the capture. There were no guns fired by any one. The capture was made by the "Marblehead." There were numerous ships in sight at the time of the capture—all the ships in the port of Guantanamo.

188 I could not pretend to name them. She was a merchant ship and had no commission as a privateer. I have no knowledge of whatever letters she carried. As far as I know, she had no letters of marque or reprisal. The "Adula" belonged to the Atlas Company. The capturing vessel was a ship of war; of what force I cannot say.

6th. To the sixth interrogatory deponent answers:

I do not know what authority the capturing vessel had to capture vessels. The capture was made by the "Marblehead." The "Adula" was seized, but not condemned.

7th. To the seventh interrogatory deponent answers:

The name of the vessel taken was the "Adula;" the name of the master, R. W. Yeats. Captain Forwood, of the Atlas Steamship Company, agent in Kingston, Jamaica, appointed him master in Jamaica. I have known the "Adula" since I joined her, in 1896. I have known Captain Yeates since I joined the "Adula," not as captain, but as chief officer. I know him now as master. He took command at Kingston, Jamaica. Captain Forwood must have delivered the vessel to him, since our captain was away sick. The fixed abode of the master and his family I cannot tell you, nor his last place of residence, nor how long he lived there. I don't know where he was born, nor of what country or State he is a subject or citizen.

8th. To the eighth interrogatory deponent answers:

The "Adula" is 372 registered tonnage. 35 persons belonged to the ship's company at the time she was captured, and there were actually on board of her at that time 35. They were of various countries—Englishmen, Barbadians, Nassauns, Jamaicans. I know that some of the ship's company are naturalized citizens of America; by birth they are Scotch. I should answer that question, I believe, that some are Scotch. To the best of my knowledge, all the people did join the ship at Kingston, Jamaica, at various times. I joined in November, 1896; others joined at various times. One or two came on board particularly for this trip, to fill vacancies as extra waiters. They were hired or shipped by the purser, who selected the men. The deck hands for this voyage I selected. The stewards, waiters, etc., the steward selected, and the engineers, the chief of engineers, and they were all selected at Kingston at various times.

189 9th. To the ninth interrogatory deponent answers:

I belonged to the company of the ship captured at the time of her seizure and in the capacity of acting chief officer. I had no interest in the vessel except my own personal effects. As far as my knowledge goes, I or none of the officers or mariners or company belonging to the vessel at the time of her capture had no part, share, or interest in her or in the goods or merchandise laden on her, because there were no goods laden on the vessel for any one to have any interest in.

10th. To the tenth interrogatory deponent answers:

I have known the "Adula" since November, 1896. I first saw her at Kingston, Jamaica, at that time. She carried no guns. There was no engagement between the man-of-war and the "Adula." The "Adula" was seized in a peac-able manner and a guard placed on board, and the ship's company consisted of 35 persons, including the officers. There were 35 persons on board at the time of her capture, consisting of men, boys, and one lady. The ship was built at Belfast, Ireland. He- name was the "Adula" at the time of building,

at what precise date I cannot remember. She has not had any other name of my knowledge.

11th. To the eleventh interrogatory deponent answers:

The "Adula" was bound from Kingston, Jamaica, to Guantanamo; thence to Santiago; thence to Manzanillo. Her voyage began at Kingston, Jamaica, and was to have ended at Kingston, Jamaica. At the time of her first setting out on the voyage she had no goods laden on the ship of any sort or description, and she had no goods on board whatever at the time she was seized. I know of no goods that she carried on her previous voyage. On her previous voyage I was away from the ship.

12th. To the twelfth interrogatory deponent answers:

I have no knowledge of whatever letters she carried at the time of her seizure, the captain having possession of all such papers if there were any. On her last voyage I was not with her, being away on sick leave. The previous voyage she carried her usual general cargo to various points around the island of Jamaica. She made sundry voyages to Cuba in ballast. The "Adula" sailed on the 28th of June from Kingston, Jamaica, and previous to that she sailed from the port of Kingston.

190 The "Adula" has made, to my knowledge, five trips to Cuba; from what month to what month I cannot remember. She went to Cienfuegos for two trips. One voyage she went without me, to the best of my knowledge, and she also made a voyage to Santiago, and this, her last voyage, to Guantanamo. The regular business of the steamer is coasting service around the island of Cuba.

13th. To the thirteenth interrogatory deponent answers:

At the time of her first setting sail for her last voyage the "Adula" had no merchandise of any description on board, and had none when she was taken.

14th. To the fourteenth interrogatory deponent answers:

The owners of the vessel and goods at the time of her capture and seizure—I have already answered that she had no goods on her at the time of her capture. The owners of the vessel were the Atlas Steamship Company. I know they were the owners at that time because they were my employers; to the best of my knowledge, they were the owners. I have no knowledge of where the owners live or where they were born. I have no knowledge of what country or State they are subjects or citizens.

15th. To the fifteenth interrogatory deponent answers:

I have no knowledge of any bill of sale being given, but as far as I know, she was built for the owners. I have no knowledge of any purpose to give any bill of sale.

16th. To the sixteenth interrogatory deponent answers:

There was no lading on board the ship at the time of her capture.

17th. To the seventeenth interrogatory deponent answers:

There were no bills of lading on board the ship.

18th. To the eighteenth interrogatory deponent answers:

I have not in my possession and have no knowledge of any papers, letters, bills of lading, or invoices to show that I have any interest

whatever in the ship, and I have no knowledge respecting the interest of any other person in the ship, if any.

19th. To the nineteenth interrogatory deponent answers:

The "Adula" was captured in the harbor of Guantanamo, Cuba, but in what latitude or longitude I do not remember. I
191 have already stated that I have no knowledge whatever of any agreement or papers or letters or instructions on board the ship at the time of her capture. I do not know what arrangements she was under, and have seen no papers.

20th. To the twentieth interrogatory deponent answers:

I don't know of any papers, bills of lading, letters, or other writings relating to the vessel or her cargo that were on board the vessel at the time she took her departure from her last clearing port before she was taken as a prize, and none of these were, to my knowledge, burned, torn, thrown overboard, destroyed, or cancelled or attempted to be concealed.

21st. To the twenty-first interrogatory deponent answers:

I had no knowledge that the port of Guantanamo, to which we were bound in the first instance, was under blockade, and, as far as I know, neither the master or the person having command of the "Adula" or her navigation at the time and place of her capture were entirely ignorant of the state of blockade of the port of Guantanamo. I knew there was a state of war between the United States and Spain, but I did not know there was a state of blockade at the port of Guantanamo.

22nd. To the twenty-second interrogatory deponent answers:

My knowledge was the American fleet had been there or might possibly be there, and we should have to pass through the American fleet in the harbor of Guantanamo, and from it we should have to obtain permission to take refugees from there. I had no knowledge and never knew of any order being given for the blockade of the port of Guantanamo before we entered the port of Guantanamo. When an American man-of-war, as I must call it, met us two miles outside we stopped when she spoke us, asking us where we were bound to and such particulars; we replied we were bound to the port of Guantanamo, and we were told to proceed into the harbor; and, further, we stopped again off the entrance of the harbor, and the commander of the "Marblehead" sent one of his officers with a pilot to bring us into the port.

192 At that time there was no seizure made until we had dropped anchor, and two hours after she had entered the port, and the first and only notice, and we had no notice then given of the blockade.

The commander of the steamer when he met us did not tell us that the port was in a state of blockade. I believe he told us something about the port was in the possession of the Americans; but he told us to proceed, and, to the best of my knowledge, that is all he said. I know of no endorsement on any ship's papers with respect to any blockade or any order of blockade.

23rd. To the twenty-third interrogatory deponent answers:

There were no papers shown to or examined by the naval officers

or those in authority until after the ship was at anchor in the port of Guantanamo. At the time we came to anchor, a lieutenant from the "Marblehead" came on board and mustered all hands, and posted his men in various places about the ship, asking for all the ship's papers.

Having obtained them, I believe he examined them and kept possession of them, and I believe that he went on board the "Marblehead," from which vessel a message was sent to Captain Yeates to go on board the "Marblehead." Commander McCalla came on board during the evening and mustered all hands again; had men posted in various parts of the ship, keeping all hands together, and a lieutenant obtaining lights, searched the ship throughout, taking charge of all papers which could be found in the possession of the supercargo and the captain and purser which had at all any bearing on the ship's business. The supercargo was placed under special surveillance, and a guard of marines also on board keeping surveillance over the whole crew. I think that is about all that happened that day. I just wish to say, at the end of that, this statement is correct to the best of my recollection only.

24th. To the twenty-fourth interrogatory deponent answers:

The vessel made no attempt whatever to enter a port secretly or to leave the same secretly.

193 25th. To the twenty-fifth interrogatory deponent answers:

The vessel has never been seized as a prize to my knowledge.

26th. To the twenty-sixth interrogatory deponent answers:

I have sustained some loss, certainly. I compute such loss that I have—expenses in Jamaica, which I pay for, as it were, by contract; and not being in Jamaica to take advantage of what I pay for, I am at a loss. I have received no promise of any indemnity for any loss and have received no indemnity.

27th. To the twenty-seventh interrogatory deponent answers:

The said vessel's insurance I have no knowledge of.

28th. To the twenty-eighth interrogatory deponent answers:

There was no cargo on board.

29th. To the twenty-ninth interrogatory deponent answers:

There was no cargo on board.

30th. To the thirtieth interrogatory deponent answers:

There was no cargo on board.

31st. To the thirty-first interrogatory deponent answers:

I know of no papers of any description relative to the ship which may be in any other country, or on board any other ship, or in any other place whatever.

32nd. To the thirty-second interrogatory deponent answers:

I know of no papers being carried from the vessel at the time we were captured.

33rd. To the thirty-third interrogatory deponent answers:

There was no cargo on board.

34th. To the thirty-fourth interrogatory deponent answers:

There were no passengers on board of said vessel. No passengers or other persons whatever were secreted on board the boat, and there

were no officers, soldiers, or marines secreted on board. There were no citizens of the United States on board or secreted at the time of the capture. Whether there were any particular members of the crew citizens of America, I cannot say. I believe that the supercargo is a citizen of Cuba; that is as far as my knowledge goes; that is the only member of the crew who, to my knowledge, belongs to any country at war with America. The supercargo's name was J. R. Solis.

194 His employment on the vessel, so far as I know, is to assist the purser in his duties and to inspect the ship's business and its cargo; he is really an assistant purser. In case of writing to be done and calculations being made he assists the treasurer. If there was a cargo aboard he would keep account of the loading and discharging of the cargo. There was nothing practically for him or the purser to do on the trip; in fact there was nothing; their business begins when we get into port. His destination was the same as the rest; he was sailing from the port of Kingston and returning to Kingston and be discharged.

35th. To the thirty-fifth interrogatory deponent answers:

I have no knowledge of the papers or whatever papers there were. I know nothing of their contents. All my writings concerning the vessel are in the log book of the ship. I have written to no one about the ship.

36th. To the thirty-sixth interrogatory deponent answers:

Her course was not altered. She was at anchor when she was seized. Her course at all times was direct to the port of Guantanamo; but this I may say: from some cause, whether from currents, winds, or bad steering, she got—in the morning of the 29th, I think it was—much further to the westward than we expected to find her. The only reason we can give for that is that she was taken there by the currents, wind, or bad steering. The vessel was not sailing wide of her course, to our knowledge, at any time during the voyage. We left Morant point, steering a direct course to Guantanamo. We steered that course until, I think, about noon on the 29th—that is, the next day. We then found from the appearance of the land, which we recognized, having been there before, that we must be somewhere to the eastward of Santiago. Seeing that we were out of our course, the captain suggested, and I seconded it, that we should alter the course and make for this land we recognized, get our bearings, and steer a direct course along the coast. When we got within a few miles of the land, recognized the land, and found exactly where we were we observed what we presumed were American men-of-war off the entrance to Santiago. We headed the ship for the men-of-war, expecting the men-of-war to bear down upon us and question us.

195 As no men-of-war made any attempt to come down to us, we put the ship about and steered to the eastward, direct for Guantanamo, and no man-of-war attempted to follow us, and we presumed at once they had nothing to say to us and were allowing us to proceed, because we were quite close enough for them to see us as we were to see them. The exact distance I don't know, cer-

tainly not less than 5 or 6 miles. When we found we were out of our course I think we altered our course about a point to the northward. I don't know her exact course at that time; it is all in the log book, and I must refer you to that. The log book shows the exact course of that trip for every point. She was wide of her course ten or fifteen miles.

37th. To the thirty-seventh interrogatory deponent answers:

I have no knowledge of the vessel being sold or transferred at any time to any one. I thoroughly believe if the vessel was restored she would belong to the Atlas Steamship Company, undoubtedly.

38th. To the thirty-eighth interrogatory deponent answers:

The vessel carried no guns or ammunition; there was no military equipment whatever on board the ship, nor were there any military tools on board, and none were thrown overboard.

39th. To the thirty-ninth interrogatory deponent answers:

According to the best of my knowledge and belief, the vessel was chartered by one J. R. Solis to proceed in ballast to the port of Guantanamo, arriving at that port to obtain permission of whatever authorities were there, and to take away refugees; after taking on board her refugees, to proceed to Santiago and, if possible, to obtain permission from the blockading squadron to proceed to Santiago and take refugees from there; if this was successful, she was then to proceed to Manzanillo, take on board refugees at that place, and return to the port of Kingston. This is the sum total of my knowledge of her voyage.

40th. To the fortieth interrogatory deponent answers:

The vessel sailed under convoy of no ships of war or no armed vessel. I know of no directions or instruction for resisting or endeavoring to avoid or escape from capture or refusing to deliver the documents, letters, or other papers.

196 41st. To the forty-first interrogatory deponent answers:

With respect to this voyage, she sailed with no intention of entering any blockaded port without permission, to the best of my knowledge. With respect to any previous voyage to Cuba, such as Santiago or Cienfuegos, she had no orders to enter any port under blockade without permission, nor did she enter any port that was blockaded without full and free permission from the man-of-war blockading it, and made no attempt to do it, but sailed right into the fleet every time. All voyages of which I am aware to Cuba she had permission to enter the ports—that is to say, where there was any blockade. At Santiago there was no blockade at the time of our entry there; she simply went in to the port and came out again without any stoppage whatever. At Cienfuegos, on both occasions, she was stopped by a blockading squadron and received permission. On one trip to Cienfuegos I was not present. On these two voyages on which I went with her I was told and given to understand she had permission from Washington to make two voyages to Cuba for refugees. I don't know whether they had reference to Santiago or not. I think it had reference to Cienfuegos. In no case, to my knowledge, has she entered any port she did not have permission to enter. She got permission from Washington

once to make two voyages. I have been given to understand she got permission from the American consul at Kingston and other points. I was not officially informed about what she had been doing, nor had I official information of what permission she may have had at any time. I heard from hearsay on both occasions upon which I accompanied the vessel to Cienfuegos the port was blockaded. I first learned that previous to the voyage from Kingston. I was never warned not to proceed to or to attempt to enter into or to escape from such blockaded ports.

42nd. To the forty-second interrogatory deponent answers:

The vessel has never had any letters of marque or papers of such description, to my knowledge.

197 43rd. To the forty-third interrogatory deponent answers:

The "Adula" has never acted in concert with any other vessel in pursuing or attempting to seize or capture any property of the United States.

44th. To the forty-fourth interrogatory deponent answers:

I have no relative or connection whatever with any one in the Spanish military or naval service.

J. CLARKSON.

Subscribed and sworn to before us this July 22, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship "Adula." Prize. Interrogatories of James Clarkson. From sealed package from prize commissioners. Opened by the court and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

198 *Deposition of David Hamilton.*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

In re the "ADULA." Prize Cause.

Deposition of David Hamilton, a witness produced, sworn, and examined *in preparatorio* on the 20th day of July, in the year 1898, at the United States court-rooms, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witness having been produced for the purpose of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory deponent answers:

I was born in Jamaica—at Port Maria Bay, Jamaica. I live at Kingston, Jamaica. I have lived there, from my reckoning, over

twenty-two years. I am a citizen of Jamaica. I am a Briting subject. I am a married man. I am not an American citizen. My wife and family reside in Kingston, Jamaica.

2nd. To the second interrogatory deponent answers:

I was present at the capture and taking of this vessel, the "Adula." I was on board of her until she arrived here in Savannah.

3rd. To the third interrogatory deponent answers:

This capture was made at Guantanamo. We were outside of the channel, laying to for a pilot. We were about a mile and a half at the time from the harbor. When we were captured we were taken into the harbor of Guantanamo and we were anchored, and a steam-launch was sent alongside of us from the "Marblehead" and took the captain.

I understand it was the "Marblehead" that captured us. I don't know for what reason or pretext this seizure was made.

4th. To the fourth interrogatory deponent answers:

The "Adula" was flying the English colors. Those are our regular colors. The only colors we have on board besides that was the union jack for a pilot and the signal flag.

199 We don't use these except to signalize, and the merchant ensign. The merchant's ensign is a different ensign from what the English men-of-war use. That tells of what government she is. She had the jack up for a pilot when she was boarded. I believe it is the rule to fly that ensign when we go into a foreign port.

5th. To the fifth interrogatory deponent answers:

Nobody on the boat made any resistance when she was captured. We hove to off the port about a half an hour, expecting a pilot, and after a while we seen a little boat coming out of the harbor, and after a while we see two persons in the boat, and the captain steamed up gradually to meet it, and after we got towards them they stopped and the captain and a Spaniard came aboard and took us in. I don't know whether it was a Spaniard or a Cuban; they speak the same lingo. They said the ship called the "Marblehead" captured us. There were other warships lying in the mouth of the harbor. The "Adula" is an English vessel. She is a merchant ship. I believe the "Marblehead" that captured us is a ship-of-war.

6th. To the sixth interrogatory deponent answers:

I don't know whether the "Marblehead" had any right to capture us or not.

7th. To the seventh interrogatory deponent answers:

The vessel taken was called the "Adula." The name of her commander was Captain Yeates. I believe the agent in Jamaica, Captain Forwood, appointed him to this command. I knew the vessel eight years ago. I have known this said captain only six months as mate on board, since I been there. The right captain is sick that was there before. This captain took possession of her at Kingston, Jamaica, in June. I really can't remember the date. They took her one trip around the coast of Jamaica, and this is the second trip as captain. He has been mate before. I don't know how long he has been mate of that ship. As far as I understand, this captain

has been living in Jamaica. His wife and family are there. I don't know how long he has lived there. I don't know where the captain was born. I don't know what nationality the captain is.

200 8th. To the eighth interrogatory deponent answers:

I don't know exactly what the tonnage of the "Adula" is. I think she is about three hundred and odd tons. I don't know how many there were in the ship's company. I think there are thirty and odd. There is only one passenger on the boat. I heard his name, but I don't remember it now. Since you have called the name I will say that the passenger's name is Mr. Solis. The crew are from Jamaica and Nassau. The passenger is either a Cuban or a Spaniard. He speaks the lingo. All the crew and all the parties came on board at Kingston, Jamaica. The captain, Mr. Yeates, shipped and hired the crew. Some of us went on the vessel now; some been for years on the vessel. I only been there six months. Captain Yeates shipped them at Kingston, Jamaica.

9th. To the ninth interrogatory deponent answers:

I belong to the company of the vessel that was captured. My position is quartermaster. None of us on board the vessel has any share or interest in the vessel except our wages. I don't know that anybody on board had any interest in the "Adula." I didn't know anything about Mr. Solis until she was seized, and then I heard that he was the charter master.

10th. To the tenth interrogatory deponent answers:

I have known the "Adula" eight years. I first saw her at Kingston, Jamaica. She don't carry any guns. All the men were on her at the time she was captured that were on her at the time she left Kingston, Ja. She was built at Belfast, Ireland. Her name is the "Adula," and I have known her eight years by that name. I have never known her to be called by any other name. I have never heard of her being called by any other name.

11th. To the eleventh interrogatory deponent answers:

After we left Kingston we understood that we were going to Cuba, but we didn't know what point we were going to, and then when we came off this place I understood we were going to Guantanamo; that we were bound there. We left Jamaica on a Tuesday evening, and on a Wednesday afternoon came up to this Guantanamo. We sighted the fleet to the leeward at Santiago, off the port bow, about five or six miles away. We didn't stop our signal there when

201 we saw the warships. We had the flags up, but we didn't stop and signal to anybody. I don't know whether that would have been our regular course from Kingston to Guantanamo; that was for the captain to say. We was coming up along the coast and we saw this little cruiser very near to the channel of Guantanamo, and I saw this little cruiser coming out and edging down the coast. She came along the channel, outside of the coast, and we was outside of her, and when she saw us she lay right across our bow, and as the captain saw her coming out he stopped, and they hailed us and asked where we was bound from, and the captain said we was from Kingston, Jamaica, and then they asked, "Where are

you bound to?" and the captain said we was bound to Guantanamo, and they asked us whether we saw the fleet to the leeward, and the captain said, Yes, and they said, "All right; you can proceed on," and we went right on in and lay to there. We came up by Santiago, saw the ships, and we stopped right out here in the centre of the mouth of the channel, and then we saw the warships. It is a big harbor, and you can see right inside. When we got there the captain hove to and signalled for a pilot. We stayed out there for a little while, not acquainted enough with the channel to go in, and waiting for a pilot, and a good while after we saw this little boat come out—it was a little rowboat—and we took the glass and made out there was two men in the boat, and so we steamed ahead gradually to meet the boat and then stopped, and they came alongside and made fast the boat, and the officer and a Cuban was in the boat, and they both came on the bridge and took the vessel in. The Cuban was the pilot and took the vessel in. They took us inside that bay. We started from Kingston. I didn't know where we were bound for. I simply understood we were going to Cuba, but I didn't know the right port we were bound for. We didn't have any load on board; she was empty; we only had water and coal on board. The coal was put on Tuesday, the day we left; we left on a Tuesday evening. The last voyage we made before this was around the island of Jamaica; it was a general cargo that we carried at that time. We went around the island from port to port. I made about four trips to Cuba before that; we went to Cienfuegos and Santiago. We went to Cienfuegos about three times.

202 We were stopped by warships the first time, about three, I think it was. I think it was the "Marblehead" and two others. That was when we were going in, and they let us go on in. The second trip I didn't count the ships; it was a lot of them. I forgot how many now. The third time we went in I didn't see any ships, either going or coming. The last trip we made to Cienfuegos was about two weeks before we were captured. I think we went to Santiago in the month of May. I don't know what time of the month it was, but I can remember it was in May. I didn't see any men-of-war at the time we were there, either coming in or going out. At the time we were captured this was the fifth trip that we were making to Cuba. Since I have been on there—on the "Adula"—we made three trips to Cienfuegos, one to Santiago, and one to Guantanamo. When we went to Cienfuegos we didn't carry any cargo; we went for passengers, and we only brought passengers away. We didn't carry any cargo at all, in boxes, bags, or barrels.

12th. To the twelfth interrogatory deponent answers:

I don't know whether the "Adula" had any passport or sea brief on board to go into those ports. Just before she was taken she went around the coast of Jamaica, from Kingston to Alligator Pan, Black river, Savlamar, and Lucene. We carried a general cargo there, fish stuff, dry goods, and wet goods. When she ended that trip she came back to Kingston.

13th. To the thirteenth interrogatory deponent answers:

She had no cargo on board at the time she was captured.

14th. To the fourteenth interrogatory deponent answers:

I understand the Atlas Company are the owners of the "Adula." As far as I know, the Atlas Company owned this boat at the time she was captured. I know this only from what I have seen and heard. As far as I know, the Atlas Company are the owners. I don't know about anybody else owning any interest in her. I understand some of the owners are living in Liverpool, some in New York, and some in Jamaica. Captain Forwood stays in Jamaica. I don't know whether Captain Forwood has any interest in her. The ship flies the English flag, and I suppose the owners are English.

203 15th. To the fifteenth interrogatory deponent answers:

I know nothing about any bill of sale being given for the "Adula."

16th. To the sixteenth interrogatory deponent answers:

While we were lying in the harbor of Jamaica we were taking in a cargo for the coast of Jamaica, and it was taken out again. I know this cargo was for the coast of Jamaica, because I seen the marks. It was taken in on Monday. That cargo wasn't left in her because they got a charter for Cuba, and it was taken out on Tuesday morning. The Jamaicans are British subjects.

17th. To the seventeenth interrogatory deponent answers:

There was no cargo on board of the "Adula" when she was captured.

18th. To the eighteenth interrogatory deponent answers:

There were no papers that I know of or bills of lading put on board the "Adula."

19th. To the nineteenth interrogatory deponent answers:

I don't know what latitude or longitude the "Adula" was captured in, but it was captured off the mouth of Guantanamo harbor. She was captured on the Wednesday evening after leaving Kingston, Jamaica. We left Kingston, Jamaica, on a Tuesday evening, and they all came on board at that time. Guantanamo is on the island of Cuba. I don't know anything about a charter-party being made for that voyage. I only supposed it was chartered. I heard afterwards, though, when we got there, that it was this man, Mr. Solis, that chartered her. I don't know when it was that she was chartered, but I suppose it was when they were taking in this cargo. I suppose it must have been Monday.

20th. To the twentieth interrogatory deponent answers:

I don't know of any papers on board of the "Adula" being thrown overboard, burnt, or destroyed. I don't know of any papers being concealed on board of the "Adula" after she was captured.

21st. To the twenty-first interrogatory deponent answers:

I knew at the time of the capture of the "Adula" that Cuba was at war with the United States. I knew that, but I did not know that Guantanamo was blockaded, and I don't know whether the officers knew. I don't know that they had any notice that the ports of Cuba were blockaded. I had no notice. The only notice I got was because it was rumored over the world that Cuba and the United States were at war.

204 22nd. To the twenty-second interrogatory deponent answers:

At the time we went up there there were no ships out there to prevent us from coming in. One of the officers came out and took us in. We were not stopped from going to Guantanamo. We were not prevented from going up in the harbor, and we went up there. We didn't get up to the city of Guantanamo. There were American warships at the mouth of the port when I got there. I didn't know anything about a blockade being there. They came and took us in there and never stopped us.

23rd. To the twenty-third interrogatory deponent answers:

There was no search of the vessel before we were seized. They just came out and took us in there. They didn't get the papers or the books at the time we went in. The two first trips we made to Cienfuegos officers came aboard each time, and I saw them and the captain in the saloon overhauling papers. I don't know what they were about; I saw some papers, I believe. No United States officer came on board of the vessel, except those two times when we were off Cienfuegos. The last time we came out of Cienfuegos, Sunday evening, when out to sea, we sighted a cruiser about half a mile away. After that an officer came on board; he spoke to the captain. I don't know what he said, but after a while the captain sung out to our captain that he could proceed on; that he was sorry he stopped us.

24th. To the twenty-fourth interrogatory deponent answers:

I don't know that the "Adula" attempted to go into any port without permission from the American warships. Just as I told you before, when we came up there a little cruiser came out and asked where we came from, and we said from Kingston, Jamaica, and he said, "Where are you bound?" We said, "To Guantanamo." He said, "Did you see the fleet down there?" and the captain said, Yes; and he said, "All right; you can go on in."

25th. To the twenty-fifth interrogatory deponent answers:

The "Adula" has never been seized as a prize before, to my knowledge.

26th. To the twenty-sixth interrogatory deponent answers:

I have not lost anything by reason of this vessel being seized.

205 27th. To the twenty-seventh interrogatory deponent answers:

I don't know anything about the vessel being insured; I don't know whether she is insured or not.

28th. To the twenty-eighth interrogatory deponent answers:

There was no cargo on board.

29th. To the twenty-ninth interrogatory deponent answers:

There was no cargo on board.

30th. To the thirtieth interrogatory deponent answers:

There was no cargo on board.

31st. To the thirty-first interrogatory deponent answers:

There was no cargo on board and no papers pertaining thereto.

32nd. To the thirty-second interrogatory deponent answers:

There were no payers, to my knowledge, taken off the boat before we were captured.

33rd. To the thirty-third interrogatory deponent answers:

There was no cargo on board.

34th. To the thirty-fourth interrogatory deponent answers:

There was no passengers on board except this one party named Mr. Solis. There was nobody hidden away or secreted in the boat that I know of. Mr. Solis speaks Spanish. I don't know whether he is a Spaniard or a Cuban. I don't know what his business or occupation is. I didn't know what he was there for until we went to Guantanamo, and then I heard he was the charterer and had charge of the "Adula." I understand he was going there for passengers. I understand he chartered her from the Atlas Company at Kingston. We were all taken on board at Kingston, and he came aboard the very evening about five minutes before we left. I did not know to what port he was going, only to some port in Cuba, and I did not know what he was going for. I don't know whether he had any money with him or not. I don't know that he had any control of the vessel, only I heard so after the men-of-war made an investigation. There were no soldiers secreted on board of the "Adula" when we went in. I don't know that there was anybody on board the "Adula" that was a citizen of a country that was at war with the United States, except Mr. Solis.

206 Mr. Solis did nothing on board the vessel. I don't know what he was put down on the articles as.

35th. To the thirty-fifth interrogatory deponent answers:

I don't know of any of the parties on board having any passports.

36th. To the thirty-sixth interrogatory deponent answers:

At the time she was captured she was steering for Guantanamo, Cuba; she hove to there. She didn't alter her course at all when the men came up; she was waiting there for a pilot. We went right straight from Jamaica to Guantanamo. We went by Santiago before we came to Guantanamo. When we left Jamaica we went right across, and when we hit the land we hauled to Guantanamo. As far as I know, the "Adula" went right straight for Guantanamo. I don't know what the course is.

37th. To the thirty-seventh interrogatory deponent answers:

I don't know anything about the boat being sold to anybody.

38th. To the thirty-eighth interrogatory deponent answers:

There were no guns or cannon on board the "Adula." There was no ammunition or implements of war on her at all.

39th. To the thirty-ninth interrogatory deponent answers:

My belief is that the "Adula" started there to Guantanamo to bring passengers; that is what she went there for before, from Cuba to Jamaica.

40th. To the fortieth interrogatory deponent answers:

To my knowledge the "Adula" never has been convoyed by another ship. I don't know anything about any orders to refuse to give up the Adula to anybody or to try to evade capture.

41st. To the forty-first interrogatory deponent answers:

We did not attempt to go into any other port that was blockaded. We knew that Cienfuegos was a Cuban port and we were stopped twice going in there before. We didn't know what we were stopped for; they never told us anything. The first trip we went there we understood it was blockaded, but understood that the captain had permission to go in there. We didn't get that information until we got down to the fleet.

207 42nd. To the forty-second interrogatory deponent answers:

I don't know that the ship had any authority to act as a privateer.

43rd. To the forty-third interrogatory deponent answers:

I don't know of the "Adula" being in company of any other vessel as a privateer.

44th. To the forty-fourth interrogatory deponent answers:

I have no relatives in the Spanish army or any of them in the Spanish service.

DAVID HAMILTON.

Subscribed and sworn to before us this July 21, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship "Adula." Interrogatories of David Hamilton. From sealed package from prize commissioners. Opened by the court and now, this July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

208 *Deposition of John Darling.*

UNITED STATES OF AMERICA,
Southern District of Georgia, Eastern Division.

In re the ADULA. Prize Cause.

Deposition of John Darling, a witness produced, sworn, and examined *in preparatorio* on the 20th day of July, 1898, at the United States court-rooms, Savannah, Georgia, on the standing interrogatories established by the district court of the United States for the southern district of Georgia, the said witness having been produced for the purposes of such examination by the United States attorney in behalf of the United States and the captors of a certain ship or vessel called the "Adula."

1st. To the first interrogatory the deponent answers:

I was born in Kingston, Jamaica, have lived there all my life, and I am thirty-five years old. I am a British subject. I am from Kingston, Jamaica. I am not a citizen of the United States. I am a married man and reside in Kingston, Jamaica.

2nd. To the second interrogatory the deponent answers:
I was employed on board the ship "Adula." I was on board when the ship was captured.
3rd. To the third interrogatory the deponent answers:
The "Adula" was captured off Guantanamo harbor's mouth. I don't remember exactly the time. She was carried direct into Guantanamo. The Adula never captured any other vessels. I don't know anything about letters to make prizes. I don't know for what reason the seizure was made.
4th. To the fourth interrogatory the deponent answers:
The vessel sailed under the British flag. The vessel had the house flag and the jack. The jack was for calling pilots, and the house flag was the sign of the house.
5th. To the fifth interrogatory the deponent answers:
There was no resistance. The officers were received aboard the ship. There was no guns fired. I don't remember any. I think, according to the officer, the capture was made by the "Marblehead." The officer came off the "Marblehead." There was
209 no other ship in sight, to my knowledge. I don't know that she did any privateer business. All I know, she only took in coals and water at Kingston, Jamaica. I suppose the ship belonged to the Atlas Company, Captain Forwood. The usual business of the boat was to go around the coast of Cuba, getting passengers. When she came to Guantanamo she came for passengers; she only had coals on there. The ship had no guns on her at all.
6th. To the sixth interrogatory deponent answers:
I think the vessel was captured by the "Marblehead." Probably some government did give the "Marblehead" authority to make the capture. I don't know about the condemnation of the vessel.
7th. To the seventh interrogatory deponent answers:
The vessel's name was the "Adula." He commander was Captain Yeates. Captain Forwood appointed Captain Yeates to command the vessel at Kingston. Captain Walker was sick and First Officer Yeates taken charge because Captain Walker was sick. I have known the "Adula" for seven years or more. I have known Captain Yeates three years. He took possession of the vessel at Kingston, Jamaica. Captain Forwood delivered the vessel to him. Captain Yeates' family lives at Kingston, Jamaica; he has lived there ever since he has been aboard the ship. He was living at Kingston, Jamaica, before he came on board the ship, I think. I don't know where Captain Yeates was born. I don't know of what country or State he is a citizen. He speaks like an Englishman; he doesn't speak any foreign language; where he comes from I do't know.
8th. To the eighth interrogatory the deponent answers:
I don't know what the tonnage of the vessel is. The crew was on board at the time she was captured. I think it is thirty-two, as far as I can remember. I think the quantity of men is thirty-two. They were all mustered out and taken when the "Adula" was captured. Some are Jamaicans, some from Nassau, and myself from

Kingston. The rest of the crew was from Jamaica. I think some of them belong to Nassau.

210 All of them came on board at Kingston. I think the ship left Kingston on the 28th of June. We were all hired by the Atlas Company and shipped by the purser; Captain Forwood hired me. Captain Forwood didn't hire me exactly, because I didn't go to him. Captain Walker hired me, because he gave me the job himself. Who hired the rest of the men on the boat I don't know; probably the first mate hired them; maybe the chief mate, or the second mate.

9th. To the ninth interrogatory the deponent answers:

I belong to the ship's company; I am quartermaster of the "Adula." All the interest I had in the vessel was my work that I am paid to do. As to any of the other officers or mariners I don't know; they keep that to themselves.

10th. To the tenth interrogatory the deponent answers:

I have known the vessel "Adula" for seven years; I first saw her in Kingston, Jamaica; she carried no guns whatever. When she first saw the gunboat they had the same quantity of men on board as I told you before—thirty-two. All the ship's company were there, thirty-two, and one man came in in there. This gentleman, Mr. Solis, he came from Kingston, Jamaica. There was one passenger besides the ship's crew; that was the man that they called Mr. Solis. The "Adula" was built in Liverpool; she hails from Liverpool; she is marked "Adula," Liverpool. Ever since I seen her, her name was called the "Adula." I have never heard any other name that she was called by than the "Adula."

11th. To the eleventh interrogatory the deponent answers:

At the time the "Adula" was taken and seized she was bound for Guantanamo from Kingston, Jamaica. She was intending to go to Guantanamo from Kingston, Jamaica. All she took from Kingston, Jamaica, was coal; nothing else that I know of. The only load she had on board when taken and seized was coals; nothing else that I seen. This lading was put on board the 28th of June. All she had on this voyage was coals; nothing else but coals.

211 12th. To the twelfth interrogatory the deponent answers:

I don't know whether she had a sea brief or not. Before she was taken she made a voyage around the island of Jamaica, carrying cargo and bringing passengers. Before she left for Guantanamo she went around the island of Jamaica, getting cargo and bringing passengers. On the last voyage before she was taken she went from Port Antonio to Kingston, and from Port Antonio came on to Moran's bay, Jamaica. Before we made the last trip around the island we went to Cienfuegos. I don't know when that voyage was made. Before the ship was taken she made the voyage around the island; it was about two weeks before she was captured that she went to Cienfuegos. When she went to Cienfuegos she carried barrels; what they were I couldn't tell. She carried no passengers from Cienfuegos back to Jamaica, and from Jamaica to Cienfuegos. I think we did carry some passengers; I couldn't tell. Those we took from Cienfuegos to Jamaica. That was about two

weeks before she was captured. Before we went to Cienfuegos we used to carry cargoes around the islands, except those barrels to Cienfuegos; outside of that we never carried anything, except to Kingston, Jamaica. The cargo that we carried to Cienfuegos was only those barrels. I don't know how much they weighed or whether they were heavy or not. They were hoisted by our steam on to the lighter. I don't know what there was in them. That was the last trip to Cienfuegos. About two weeks before she was captured she made about 4 or 5 trips in the month of June to different ports in Cuba. We went to Santiago de Cuba, went to Cienfuegos, and came to Guantanamo. Those are the only three ports I went into. The last port she sailed from before the ship was captured was from Kingston, Jamaica. She sailed directly from there to Guantanamo and was captured.

13th. To the thirteenth interrogatory the deponent answers:

The only load she had on board was coals; that was all I saw. They were put on board on June 28th of this year. I don't know how much coal she had on board; I only looked out from my other work. She loaded up with coals at Kingston, Jamaica, on the twenty-eighth. We generally gets in on Mondays, and on Mondays I am not there. I am always down there on Tuesdays for sailing days around the ports of Jamaica.

212 Whatever is put in on the Mondays I don't know until we get around the coast of Jamaica and see it taken off. There was nothing taken off to my knowledge. When I came down those coals were going in; nothing was taken off to my knowledge. I don't know whether the coal was carried to be sold or not, or whether it was for our own use or not; I don't know how much coal the ship carries for her own use. We had coal there before. I suppose it was put there for ballast; it was put down in the same bunkers as usual. The coal was put where they always put it.

14th. To the fourteenth interrogatory the deponent answers:

I understood that this Mr. Solis had chartered the "Adula." I don't know whether he bought her or not. I understood that he had chartered her. I found out that he had chartered her by hearing it on the decks. I never seen the man until the next morning going to breakfast. I don't know who he chartered her from—from the owners, I guess. I suppose the Atlas Company owns the ship—Captain Forwood. I know Captain Forwood is the agent from the Atlas Company. I don't know the nationality of the owners of the ship or the charterer.

15th. To the fifteenth interrogatory the deponent answers:

I don't know whether a bill of sale was made for the ship or not. I don't know anything about a bill of sale.

16th. To the sixteenth interrogatory the deponent answers:

The load that was found on board the "Adula" was put on board on the 28th of June. I don't know who the consignees of the "Adula" are.

17th. To the seventeenth interrogatory the deponent answers:

I know nothing about any bills of lading.

18th. To the eighteenth interrogatory the deponent answers:

I know nothing of any matters referred to in interrogatory 18.

19th. To the nineteenth interrogatory the deponent answers:

The "Adula" was captured off Guantanamo harbor's mouth.

I don't know anything about the latitude or longitude. I know nothing about the charter-party of it.

213 20th. To the twentieth interrogatory the deponent answers:

I don't know anything about any papers on board the ship. There were no papers destroyed to my knowledge. There was no papers thrown overboard when the vessel came up to Guantanamo.

21st. To the twenty-first interrogatory the deponent answers:

I did not know that the place that we were going to, Guantanamo harbor, was at war with the United States and was blockaded. I don't know whether the captain or Mr. Solis knew that Guantanamo harbor was blockaded or not. I didn't know at the time of the capture that the harbor was blockaded; we were not notified at all; whether anybody else knew I don't know. Some time after we left Cienfuegos we met a warship and a boat came alongside to us; what they said to the captain I don't know. I don't know what the captain said to our captain. That was after we left Cienfuegos; we were on our way to Kingston and the ship was laid to. I was on the deck. The ship was laid to—waiting. That was out at sea—no port at all—between Cienfuegos and Jamaica; we were nearly back to Kingston. I don't know what distance it was, but it was a long way from Cienfuegos.

22nd. To the twenty-second interrogatory deponent answers:

I did not know whether the port of Guantanamo was under blockade at the time the "Adula" attempted to enter there; no warning was given to me; if any warning was given it was given to the officers; none was given us.

23rd. To the twenty-third interrogatory deponent answers:

I know nothing about any endorsement on the register or any writing thereon.

24th. To the twenty-fourth interrogatory deponent answers:

We made three trips to Cienfuegos during the month of June, in my memory. On the first voyage, in my memory, we saw a man-of-war, one or more, I don't remember; on the second trip we saw two; on the last one we didn't see one going in; I don't know whether we saw any coming out. Going in we didn't see any, but coming out I don't remember whether we saw any or not.

214 On the first two trips, when we saw the warships, we only hoisted the ensign to let them know who we were. I don't remember whether they came alongside of us on those two times or not. We made on- trip in June to Santiago; I don't remember what date it was, but I know we went in there one voyage: it was about a month before we were captured. I don't remember exactly what date it was; I know I went in there. I saw United States warships then; we never hailed them, but we generally hoisted the ensign and house flag to let them know who we were. I don't remember whether they came alongside. This was the first trip we made in the month of June to Guantanamo. I never have been to

Manzanillo. The only places I went to was Santiago, Cienfuegos, and Guantanamo.

25th. To the twenty-fifth interrogatory deponent answers:

I don't know that this ship, the "Adula," has ever been taken as a prize.

26th. To the twenty-sixth interrogatory deponent answers:

I haven't lost anything yet by the seizure of this ship; nobody has agreed to pay for my loss of time; the only thing I expect is to get back to Kingston, Jamaica, and get paid off for my time. Mr. Solis never spoke to me about paying me for my time.

27th. To the twenty-seventh interrogatory deponent answers:

I don't know whether the ship is insured or not.

28th. To the twenty-eighth interrogatory deponent answers:

I don't know.

29th. To the twenty-ninth interrogatory deponent answers:

No cargo except some coal.

30th. To the thirtieth interrogatory deponent answers:

That coal was put on board by a lot of women carrying it in baskets on their heads and throwing it down in the hold of the vessel at Kingston.

31st. To the thirty-first interrogatory deponent answers:

I don't know.

215 32nd. To the thirty-second interrogatory deponent answers:

I don't know anything about any papers.

33rd. To the thirty-third interrogatory deponent answers:

I don't know.

34th. To the thirty-fourth interrogatory deponent answers:

The only passenger was this man, Mr. Solis. He came on board before the ship left Kingston. There was nobody hidden or secreted on board. Before the ship left Kingston the vessel was searched by the officers to see that nobody was stowed away; the vessel was searched by the chief officer and second officer of the ship to see that nobody was aboard that was not supposed to come. I don't known what nationality Mr. Solis was. I never saw Mr. Solis on board this ship before. I don't know what Mr. Solis' occupation is. Mr. Solis was taken on board at Kingston. I did not know where he was going or what his business was; I don't know whether Mr. Solis had any authority over the ship. The only thing I understood was he chartered the ship to go for passengers. No citizens of the United States were on board when she was captured. I don't know whether there was any persons on board the ship at the time she was captured that were citizens of a country at war with the United States.

35th. To the thirty-fifth interrogatory deponent answers:

I don't know anything about the charter-parties and other papers. I have written or signed no papers concerning the vessel or her crew.

36th. To the thirty-sixth interrogatory deponent answers:

After leaving Kingston, the first Cuban port we sighted was Santiago. We saw a lot of men-of-war ships there. We didn't go very

near up, but we hoisted the ensign up so they could see, and no ship came there. We stayed there about fifteen minutes. At that time we were a good ways from there; I don't know how many miles. We could see the ships plainly with the naked eye. I could see the hulls were above the water. I could see lots of people on the ships with my naked eyes, without the glass. Then we hauled out again and went on again until we came to Guantanamo. I don't know whether it was the captain's intention to go into Santiago, but we changed our course after we got there.

216 Before we made to enter Guantanamo harbor we turned around and around several times waiting for a pilot. At Santiago the ships were all out there, and then we came right on up to Guantanamo and stayed there, waiting for a pilot. We were all the time in sight of land, close up to the coast. We were right in the centre of the mouth of the harbor, outside, when we sighted the war vessel.

In coming from Santiago to Guantanamo we went around the mouth of Guantanamo harbor, waiting for a pilot, and a gentleman came off from one of the ships. We turned around and around, way out to sea, waiting for some one that knows the place, to carry us in, and then we saw ships way inside there, but who they were we could not tell, and then this gentleman came. In turning round and round we might have gone from one side of the mouth of the harbor to the other.

37th. To the thirty-seventh interrogatory deponent answers:

I don't know anything about any sale or transfers. I could not say whether the ship was sold to Mr. Solis or not. I believe it belongs to Mr. Forwood.

38th. To the thirty-eighth interrogatory the deponent answers:

There were no guns on board the vessel. I don't know whether there was any implements of war on board of the "Adula;" I never saw any. I know nothing further in regard to the 38th interrogatory.

To the 39th interrogatory deponent answers:

I believe the ship belongs to the Atlas Company. The destination of this ship when it left Kingston was direct for Guantanamo. She signalled the men of war at Santiago because they might want to get some papers from her, or something.

40th. To the fortieth interrogatory deponent answers:

The "Adula" has never been convoyed. I had no instructions in regard to destroying or concealing documents in case of capture. I know nothing further in regard to the fortieth interrogatory.

41st. To the forty-first interrogatory deponent answers:

Since the war with the United States the "Adula" went three times to Cienfuegos, once to Santiago, and once to Guantanamo, to three points. I don't know whether those points were block-

217 aded or not. I never was warned not to enter Cienfuegos. I don't know whether the vessel was warned; the officers never told me anything about any warning.

42nd. To the forty-second interrogatory deponent answers:

I don't know.

43rd. To the forty-third interrogatory deponent answers:
I have never assisted any other boats in cruising or privateering against the United States.
44th. To the forty-fourth interrogatory deponent answers:
I have no relatives in the Spanish service.

JOHN DARLING.

Subscribed and sworn to before us this July 21, 1898.

A. E. K. BENHAM,
Rear Admiral, U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: United States *vs.* Steamship "Adula." Prize. Interrogatories of John Darling. From sealed package from prize commissioners, opened by the court and now, July 27, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

218 In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
STEAMSHIP "ADULA," HER TACKLE, APPAREL, FURNITURE, AND CARGO.

Testimony *de bene esse* of witnesses produced before prize commissioners, A. E. K. Benham, Julian Schley, and Edgar Denmark, at the United States court-rooms, Savannah, Georgia, July 25, 1898, at 10 o'clock a. m., in the above-stated case, on behalf of the libellant, in pursuance of the notice and agreement hereto attached.

Present: E. A. K. Benham, Julian Schley, and Edgar Denmark, prize commissioners; Marion Erwin, United States attorney, William R. Leaken, assistant United States attorney, for libellant; P. W. Meldrim, proctor for the Atlas Steamship Company, Limited.

219 EDWIN A. ANDERSON, a witness for the captors, duly sworn, testified as follows:

Direct examination.

Questions by United States attorney, MARION ERWIN:

Q. What position do you hold, if any, in the Navy of the United States now?
A. I am lieutenant, senior grade.
Q. What position did you hold on June 29, 1898?
A. The same.
Q. What was the ship?

A. United States ship "Marblehead," third rate.

Q. Where was that ship June 29, 1898?

A. Anchor-d in Guantanamo bay, Cuba.

Q. How long had you been on duty on the "Marblehead" prior to June 29, 1898, roughly speaking?

A. About a year; I could say over a year; is that near enough?

Admiral BENHAM: That will be near enough.

Q. On the afternoon of June 29, 1898, what was the position in Guantanamo bay of the "Marblehead" as indicated on the plat, Exhibit A to the testimony of Ellenburg & Gill?

A. She was west by south, in seven fathoms of water, off Fisherman's point.

Q. Describe it.

A. The position as indicated by the figure M in red ink.

Q. Is that chart the official chart of the harbor?

A. It is, sir.

Q. Did you see the "Adula" that afternoon?

A. I did; she was anchored.

Q. Wait a minute; when you first had your attention called to the "Adula," or the ship which you afterwards found out to be the "Adula," where were you?

A. I was on the poop of the "Marblehead."

Q. Where was the "Adula" at that time?

A. She was off the entrance to the harbor, on the south of Windward point, which is on the eastward entrance to the harbor.

220 Q. Indicate on the chart with a pencil about the position that the "Adula" was in when you first had your attention called to her.

A. I should think that is (indicating) about the position.

Q. It is the position indicated by that letter A prime, in black ink?

A. I only saw her for an instant at that time, because I went up on the poop for some other purpose; I was not officer of the deck at that time; then I went down below. She had anchored before I relieved the deck as officer of the deck; before I came on poop as officer of the deck.

Q. She had anchored at that time?

A. I saw her off the entrance.

Q. When you next had your attention called to her where was she?

A. She was in the starboard quarter of the "Marblehead," in a position——

Q. To the east or west of the "Marblehead"?

A. Well, it was about southeastward of the "Marblehead;" the "Marblehead" was headed about northeast at that time, and she was almost south of the "Marblehead."

Q. Where was she, as indicated on the plat? Was she in the position indicated by A 2?

A. That is about it.

Q. She was very near the "Marblehead"?

A. Very near the "Marblehead," sir.

Q. Did you proceed to do anything in or about the "Adula" when she came to anchor?

A. I did not.

Q. When was it you had any connection thereafter with the "Adula"?

A. The commanding officer of the "Marblehead" called me into the cabin about 5.15, I should judge——

Q. Who was the commanding officer?

A. Commander B. H. McCalla—and ordered me to take an armed crew of marines in the steam-launch and proceed to the "Adula" and take charge of her; I did so.

221 Q. Did you make any search on the "Adula" for anything? If so, what?

A. I mustered the crew on starboard side of the "Adula," posted marines both forward and aft to see that no man left the ranks, and examined them as regards the movements of the "Adula," as far as possible, and also examined them to determine their nationality. I went down in the holds of the ship and examined them carefully to find out if she had any cargo or any articles aboard contraband of war.

Q. Did you find any papers?

A. The commander came over about an hour later, and by his direction all papers relating to the ship, with the exception, as I recollect it, of the register, were seized by him and taken to the "Marblehead." On his departure I was left in charge of the ship, and I was ordered to place a guard over the person of J. R. Solis, with orders not to permit him to leave the sight of the guard day or night. I proceeded to do that.

Q. You can go on now and state whether any additional search was made after that afternoon.

A. On January first—I mean July first—Commander McCalla came on board, and by his direction the crew or a part of the men, I should say, from the "Marblehead" made a strict search of the ship under my directions; marines were posted at different parts of the ship so as to prevent any communication from one part to the other, and her cabins, store-room, ventilators, masts, and every part of the ship were carefully searched to see if any persons not on the passenger list was concealed there and to see if any cargo was secreted in any part of the ship. The papers, private and otherwise, of the supercargo, J. R. Solis, were taken from him, under my supervision, and turned in to the commanding officer, a list of which I took at the time.

222 Q. Why do you speak of him as the "supercargo"?

A. Because his name appears on the log of the ship as supercargo, and also in some other papers which I found.

Q. You don't know what position he really held upon the ship otherwise than appears from the papers?

A. I do not; also at that time papers were taken from the cabin of Captain Walker, who was the commander of the vessel.

Q. He was commander of the vessel then?

A. Not at that time the commander of the vessel; he had been

taken with a paralytic stroke just before the vessel left Kingston, so I was informed by the commander of the "Adula" and others.

Q. Who was commander of the "Adula"?

A. He was Chief Officer Yeates.

Q. You can go on with your narrative.

A. Those papers, a list of which was taken by me, were also turned over to the commanding officer, Captain McCalla, or Commnd. McCalla, rather. I remained on board the "Adula" day and night, with the exception of one day, which was July 3; the evening of that day I was on the Marblehead, and proceeded to Santiago, and did not return until the evening of the following day. A cadet was placed on board the vessel, in charge. On July 10th I was ordered by Commander McCalla to take the papers and vessel and proceed to Savannah, Georgia, and deliver them to the prize commissioners at that port. I received written instructions from Admiral Sampson to that effect. I took them, and arrived off——

Q. What did you bring her as?

A. As prize master.

Q. You brought her as what?

A. I brought her as a prize.

Q. As a prize of war?

A. Prize of war. I arrived off the harber of Savannah at daylight on the 15th inst. I was detained at quarantine until
223 the afternoon of the 16th, and the ship was detained there for the purpose of fumigation, and I arrived at Savannah late in the afternoon of the 16th inst. I reported to the commissioner, and delivered all papers at that time in my possession, which were sealed, with the exception of the log; I had no opportunity to seal that; that was tied up (the log), however. There is an entry in the log to the effect that the last entries——

Mr. MELDRIM: The entries will show for themselves. Who had the entries made there? Go ahead and tell that.

A. The entry was made by the commanding officer of the "Adula" that all further entries on the log were prohibited after the 10th of July.

Q. That entry was made under your direction?

A. Yes, sir.

Q. Delivered the papers to whom?

A. Delivered them to Prize Commissioner Julian Schley on the afternoon of the 16th inst.

Q. You spoke a while ago of having seized all papers on the ship, all with the exception of some register. You never did seize the register?

A. I seized the register subsequently to that, after having consulted with the prize commissioners. I also made a second search of the vessel after arrival at Savannah, and seized all papers on the person or in the state-room of Captain Yeates, of Purser Williamson, and some papers, private papers, which were in the stateroom of Captain Walker, which had not been seized at the time of the capture at Guantanamo.

Q. You turned over all those papers to the prize commissioners

A. I turned over those papers to the prize commissioners.

Q. Referring to this chart of Guantanamo harbor, the Marblehead was located at about the spot which you indicate here with
224 the red letter M on the chart. Can you state, if a vessel was coming from the westward, around that westward point indicated on the plat as leeward point, coming from the west in that direction, at what position would that vessel first go in, when it was first to be seen by a person on the Marblehead, the vessel itself, independent of any smoke?

A. It would be seen in the direction of southwest ½ south magnetic.

Q. Take your pencil and draw a line from the position of the Marblehead, about or across the point indicated, to the line of vision there.

(Here witness draws a pencil-mark.)

Q. You have drawn the pencil-mark?

A. Yes, sir.

Q. Somewhere in that lead-pencil line?

A. Yes, sir.

Q. What did you have to prevent a person on the Marblehead from seeing a vessel coming from the westward before it reached the line of that pencil-mark?

A. Because the bluffs there are too high to be seen over.

Q. Are they wooded bluffs?

A. Yes, sir; they are wooded bluffs and they are quite high.

Q. Now, with reference to any person upon a vessel moving from the westward towards the mouth of Guantanamo bay, when could that person on that vessel first see the war vessels in the harbor—war vessels of the United States?

A. When the east tangent of the leeward point appeared about N. E. ½ north.

Q. Indicated now on the chart?

A. Until this point opened out to the eastward.

Q. A person on the Adula, having come from that direction, could not see the warships until she about reached that lead-pencil line, as indicated on the chart?

A. They could not.

Q. How was the Marblehead; what condition was the Marblehead in in reference to her ability to move at that time?

225 A. She had steam up day and night, with the chains ready for slipping, the buoy ready for letting go. She could have gotten under way in from 3 to 5 minutes any moment, day or night. The guns—do you wish me to say anything about the battery?

A. Yes.

A. The guns were all loaded and 4 shells for each 5-inch gun were on deck day and night, and a box of 6-pounder ammunition was by each six-pounder gun, with a shell in the guns day and night.

Q. How far was the effective range of the Marblehead?

A. 8,500 yards for five-inch guns.

Q. Well, roughly speaking in nautical miles, about how far?

A. About four miles and a quarter.

Q. If the Adula, when she was first sighted from the Marblehead or when she could first see of the Marblehead in the harbor, was somewhere about this position, indicated by the red letter A on the plat or in the lead-pencil line near it, was she in effective range of the Marblehead at that time?

A. She was within the extreme range of the Marblehead at that time.

Q. Do you know anything of the armament of the Vixen?

A. Only in a general way; yes.

Q. Well, in a general way, what do you understand to be her armament?

A. The Vixen has, I think, six six-pounders, some Colt automatic guns, some Maxim-Nordenfelt one-pounders; the exact number I don't know. That is my recollection of the battery. That is what I have seen of it.

Q. Do you know anything about the speed of the Vixen?

A. The speed of the Vixen, the extreme speed, is about 14 knots, to the best of my recollection.

226 Q. What is the speed of the Adula?

A. About 9½ knots, extreme. I did not make any more than 8½ out of her.

Q. If the Vixen was passing out of the harbor at the time that the Adula came up to the harbor, and was in a position to see the American warships in there, and the Vixen came out, state whether or not the Vixen was in a position to capture the Adula if the Adula had have turned round.

A. Undoubtedly.

Q. Was she in effective range?

A. She was within range of the Adula at the time she was sighted, I think; that is my impression from what was told me. The Vixen came out and sighted the Adula just as she was to this point. I think she sighted the Adula as she was coming out of the harbor; that is my recollection.

Q. At what time had the Marblehead taken up her position at Guantanamo bay first?

A. I think she came in there July the 6th. I am sure she was there on July 8th.

Q. 1898?

A. 1898.

Admiral BENHAM: July, did you say?

A. June.

Q. State what do you know as to the time of the establishment of any actual blockade in Guantanamo bay—Guantanamo harbor or bay.

A. The establishment of the blockade in Guantanamo harbor took place from the time the Marblehead came in and anchored in the harbor.

Q. About June 8, 1898?

A. About June 8, 1898; the blockade was exceedingly strict and efficient.

Q. By whom was it established?

A. It was established by order of Rear Admiral W. T. Sampson, commanding United States naval forces in the North Atlantic station. When he established that blockade the commander
227 who was in command of the Marblehead at the time kept a very strict blockade.

Q. Was there more than one ship there—American warships?

A. After the Marblehead came in there was at no time less than two, and frequently several warships in the harbor.

Q. American warships?

A. American warships in the harbor. The Marblehead moved out to the entrance of Guantanamo bay every evening, and there was a vessel stationed at the entrance to Guantanamo harbor between Hickacal point and Caya del Hospital. This vessel had orders to keep her search-light playing on the entrance during the night. Besides this, there were from 2 to 3 launches there during the night, stationed between Caya del Hospital and Caya del Medio. This effectually closed the entrance of Guantanamo harbor. The Marblehead herself used her search-light at intervals to sweep the entrance to the bay.

Q. State whether during the period of the establishment of the blockade on or about June 8 up to and including the appearance of the Adula on June 29 that blockade had been active and effectual during that period.

A. Entirely so.

Q. Continuous?

A. Continuously active and effectual. The Marblehead never left the port, and there was no time that the port was without some other warships besides the Marblehead in there.

Q. Did those American warships turn any foreign vessels back?

A. Yes, sir.

Q. Coming into Guantanamo harbor and giving them notice of it?

A. Coming into Guantanamo harbor and giving them notice of it and refusing them entrance into Guantanamo harbor. I boarded an English vessel, a steamer, whose name I don't recall now, and ordered her in. She came for the purpose of getting a cargo from Caymanera and Guantanamo.

228 Q. A cargo of what?

A. Any cargo she could get. We refused to give her permission, and afterwards, I think, she was chartered by one of the New York papers to be used as a press boat. She was turned back; she was not allowed to enter there.

Q. So far as you know, had that vessel received any notice prior to your notice of the blockade?

A. Not from what the captain told me; I am sure she had not.

Q. Other vessels were turned back from there?

A. I don't recollect any other vessels.

Q. Yourself?

A. No, sir.

Q. Did you meet the Adula at any time elsewhere since the beginning of the Spanish-American war; and, if so, when and where?

(Here witness takes a log book.)

—. I met the Adula off Cienfuegos, Cuba, May 9, 1898.

Q. Did you board her?

A. I boarded her, and delivered to the commander of the vessel a copy of the proclamation of the President of the United States declaring a blockade of the ports on the north coast of Cuba, including the ports on said coast between Cardenas, Bahia Honda, and the port of Cienfuegos, on the south coast of Cuba. That proclamation I delivered to him, and also entered on the log and entered on the register of the ship.

Q. The notice of the fact?

A. The notice of the fact.

Q. You are referring to the proclamation of the President on the 22nd, declaring Havana and Cienfuegos blockaded?

A. Yes, sir.

Q. Where was your ship at that time?

A. Blockading the harbor of Cienfuegos.

Q. Under what commander?

A. Commander B. H. McCalla.

Q. To what particular fleet was he attached at that time?

A. He was under orders of Rear Admiral Sampson.

229 Q. At that time was there an actual and effective blockade of Cienfuegos?

A. There was.

Q. What American warships were those at that time engaged in the blockade of Cienfuegos?

A. The Marblehead, the Nashville, and the Vixen.

Q. At what time did the ship get orders to leave Cienfuegos, or did she leave Cienfuegos—the Marblehead?

A. The Marblehead received no orders to leave Cienfuegos. She returned to Key West for coal, and then returned back to Cienfuegos.

Q. When she left there did she leave any other vessels there?

A. No, sir.

Q. None of the vessels were left there?

A. Noother vessels were left there.

Q. You returned to Cienfuegos?

A. Yes, sir.

Q. What time did she leave again?

A. Leave Cienfuegos?

Q. Yes; when you went to Guantanamo.

A. We went from Cienfuegos to Santiago about the 26th; I think about the 26th of May. That is my recollection. I am not positive in regard to the date being the 26th of May. We stayed at Key West for coal only about 48 hours.

Q. Were there any capture- of prizes at Cienfuegos?

A. Yes, sir; we captured the Spanish steamer The Argonauta off Cienfuegos while we were there the first time.

Q. Those ships which were patrolling the seas to make — making the blockade effective, were they near in always or at some distance, or both? State how they were.

A. Well, they were within about 4 or 5 miles of the entrance day and night.

Q. These prizes that were caught, were they caught near in or far out?

A. The Argonauta was caught about six miles to the westward of Cienfuegos.

230 Q. Did you have any ships out scouting round?

A. No; not then.

Q. When you boarded the Adula, what date was that?

A. May 9th, I think—May 9th.

Q. May 9th. Where was she bound for?

A. She was bound for the harbor of Cienfuegos with a permission—with a letter, I should say, from the consul at Kingston.

Q. What consul?

A. Mr. Dent.

Q. What nation?

Mr. MELDRIM: Confine him to facts within his personal knowledge.

A. I was the boarding officer. I saw this letter.

Q. You read the letter?

A. Yes, sir; the letter was delivered to me. I would not have permitted her to proceed otherwise. The letter was from the American consul, named Dent, stating that he had permission from the authorities in Washington allowing the Adula to proceed into Cienfuegos through the blockading fleet for bringing refugees—American citizens.

Q. Do you know what became of that letter?

A. It was delivered to the commanding officer of the Adula. I don't know what became of it afterwards.

Q. Do you find that letter among the papers now?

A. No, sir; that letter is not among them.

Q. You say that trip was for the purpose of doing what?

A. Bringing off American citizens from Cienfuegos. That is what it stated in the letter.

Q. After the capture of the Adula and her seizure as a prize of war, you were put on her as prize master?

A. Yes, sir.

Q. While you were bringing her to Savannah and while the vessel was in custody, with Capt. Yeates aboard and Mr. Solis

231 and Purser Williamson, I believe is his name, did you have any conversation with Mr. Solis in reference to any notice given to him at Kingston in regard to the contemplated voyage of the Adula to Guantanamo, Santiago, and Manzanillo—this trip on which he was captured?

A. Yes, sir.

Q. What was it?

Mr. MELDRIM: I want to note objection to anything that Mr. Solis may have said so far as affects this defendant.

A. Mr. Solis told me that he had made this trip for a speculation; borrowed the money from a friend, one thousand pounds, and chartered this vessel to take to the ports of Guantanamo, Santiago, and Manzanillo for the purpose of bringing off refugees. He said that the charter was for 100 pounds a day, and that he expected to get at least 200 refugees at 10 pounds apiece, which would clear him one thousand pounds in case the trip took ten days; that he would clear more money in case the trip was shorter. I said to him I thought that was a very peculiar commercial transaction that, after having been refused permission by the American consul to make this trip, as he admitted to me, the American consul had done.

Q. What was the admission that he made that the American consul had told him?

Mr. MELDRIM: I wish an objection noted because this is hearsay and what he—some one—told them; that nothing that has been stated by Mr. Solis can bind or affect the rights of the Atlas Steamship Company, Limited, or the master of the ship, it not ap-
232 pearing that the said Solis was authorized to represent the owners or the master, no ratification of anything that may have been said or done by the said Solis, and the alleged conversation not having been in the presence of the owners or any representative of the owners authorized by the company in behalf of said owners. Now, come right down to that point; what was it he said to you about the conversation between Solis and Dent?

A. Mr. Solis told me that as the Adula had previously made two trips into Cienfuegos through the blockade without permission of the consul at Kingston or without authority that he thought he might do the same, or words to that effect.

Q. What was it he said to you—that Mr. Dent told him—about going to Santiago, Guantanamo, and Manzanillo?

A. He told me that the American consul at Kingston had refused him permission to enter those ports. That is all he told me about that.

Q. At what time did he say the American consul had refused him that permission?

A. Just before sailing, I understood him to say.

Q. Do you know whether notice of the fact that the American warships were guarding the coast of Santiago and Guantanamo had been, prior to June 28th, conveyed to Kingston, Jamaica, and known to our consul there?

Objection is here made by Major Meldrim on the ground that the witness could not possibly have known whether it had been communicated to the consul there unless the witness himself communicated the fact. "I object to the witness stating anything he may know unless it comes within his personal knowledge."

233 A. My personal knowledge is reading the Kingston newspapers in which the movement of ships at Santiago and Guantanamo is recorded. That is the information I had, that they knew anything about it, except for the fact that Admiral Sampson did issue a bulletin.

Mr. Meldrim objects to the contents of any bulletin on the ground that the bulletin itself is the best evidence of the contents thereof, the same being in writing.

Q. Go ahead and tell about it; those objections are noted.

A. He had issued a bulletin ordering the commanding officer of the American fleet to keep a lookout for the Adula, as she was supposed to have left Santiago, having on board the private secretary to General Blanco, and that besides that she had left Kingston without permission of the American consul at that place in spite of his warning. That bulletin I saw.

Q. You speak of seeing a notice in the Kingston, Jamaica, papers prior to the seizure of the Adula of the movements of the American vessels, etc.

Mr. MELDRIM: I object to the contents of the newspapers—note the objection—on the ground that the newspaper itself is the best evidence of the contents thereof, even admitting that anything that appears in the newspapers is worthy of belief.

Q. Did those papers indicate the fact of the blockade existing at those ports, Guantanamo and Santiago?

A. Yes, sir; at Santiago, certainly, and Guantanamo; the fact that American war vessels were there and that military oper-
234 ations were being *being* conducted against the forces on shore.

Q. Did you know about the time that Admiral Cervera's fleet—the Spanish fleet—was what we call "bottled up" in Santiago harbor?

A. Yes, sir.

Q. About what time was that?

A. Certainly from June the 1st; previous to that, I think. I don't recall the exact date.

Q. You think it was officially known that Admiral Cervera was bottled up at that time?

A. It was officially known at that time, I think.

Q. I ask you whether or not, from the time that it was reported that Admiral Cervera's fleet had gone into Santiago, there was any surveillance of Santiago harbor kept up by the American warships.

A. I can't answer that question. I don't know when that was first reported.

Q. Was your ship at any time near the vessels undertaking to guard Santiago harbor?

A. The ship, the Marblehead, was with Commodore Schley's squadron. When Admiral Cerver-'s fleet was found within the harbor I was the officer on deck when the fleet was sighted. I was the officer of the deck on the Marblehead when the Cristobal Colon was sighted, and I signalled the fact to the fleet.

Q. You are sufficiently acquainted with the movements of the fleet there to know whether or not there was a blockade established of that harbor?

A. I knew there was a very strict blockade of the harbor.

Q. That is, Santiago?

A. Santiago.

Q. That was as early as June first?

A. June first is my recollection of it.

Q. I will ask you if that blockade was effective and effi-
235 cient from that time.

A. It was.

Q. Do you mean for either coming in or going out?

A. Either.

Q. Or both?

A. Or both.

Q. Do you know whether or not the fact that the American fleet was blockading Santiago harbor from the time it was ascertained that Admiral Cervera was in there continuously up to and including the 29th of June—whether that knowledge was not of common notoriety all the world over?

A. I cannot say, except from the newspapers.

Mr. MELDRIM: With the utmost respect for the witness' information, I object to his testifying what all the world over knows. It is a matter of impossibility for the witness to know what all the world know-.

A. I say, from newspapers which I saw—Kingston newspaper-which I saw on the Adula—that fact must have been known to those persons on board the ship, had they read those papers. I can't say the world over.

Q. I mean generally speaking?

A. I don't know.

Q. Was it known on the American fleet that Santiago was being blockaded?

A. I can't say what was known.

Q. Your branch of the fleet?

A. I knew positively, but what others knew I can't say.

Q. Did Captain Yeates make any statement to you in reference to any notice from the consul at Kingston, Jamaica—the American consul—prohibiting the ship from going to Santiago, Guantanamo, and Manzanillo?

A. Yes; he told me in a conversation with him that the American consul had refused permission for the vessel to enter those ports on the voyage she was making.

236 Q. How much coal did the Adula have on board at the time she was seized?

A. About 96 tons of coal; possibly a little more.

Q. About what voyage would that enable her to make?

A. At least 1,200 miles, ordinary steaming.

Q. About how much mileage would a trip from Kingston,

Jamaica, to Manzanillo, Guantanamo, and Santiago and back to Kingston, as this voyage purported to have been intended, make?

A. About 550 miles, in round numbers.

Q. Did any officer on the ship make any statement to you of the amount of coal the Adula had on at the time she left Kingston?

A. The chief engineer informed me she had 121 tons of coal, which, at the rate of burning 15 tons a day, would give her 8 days' steaming.

Q. What did he state was her average rate of use of coal?

A. Fifteen tons a day. As I know, she would make in ordinary weather a little over 200 miles a day; that gives her a steaming radius of about 1,600 and a little more miles.

Q. That is for a mileage for a voyage intended, as indicated from her papers, say, of 550 nautical miles?

A. Yes, sir.

Q. And she had on 1,600 miles of coal, or coal capable of steaming that distance. About how much greater quantity of coal did she have on than was necessary?

A. I give in favor of the ship.

Q. Would not that be as many times as 550 enteres into 1,600?

A. No, sir; because you would have to consider that she would be lying in those ports some days and burning two tons a day; taking into consideration that she would lie in the ports 5
237 days and she burned two tons a day while lying still. Allowing three days to make this trip would be 45 tons, and ten tons when lying in port would be 55 tons. Take that from 121 tons and she would have at least 66 tons of coal more than was necessary for the trip, or more than 4⅓ days' steaming over, or considerably more than twice as much coal as would be necessary for the trip, making a very generous allowance.

Q. Did you take any more coal on the Adula after her capture before bringing her to Savannah?

A. I did not.

Q. How much coal is there on her now?

—. There is about 17½ tons.

Q. She came all the way, then, from Guantanamo bay up here with the coal you found on her?

A. She did, sir.

Q. About what distance is it from Guantanamo to Savannah, the way you came?

A. A little over 900 miles.

Q. Have you examined the log book of the Adula that you found aboard of her as to the course she steered from Kingston to the time of her capture and the courses she took and the observations, etc., made and the statement of her voyage?

A. I did, sir.

Q. I will ask you whether or not the entries are correctly made from a nautical standpoint.

A. I don't think they are.

Q. Just state in what respect you found any irregularities.

A. In the first place, the speed which is put down in the col-

umn as eight knots does not agree with the run of the patent log from 7 p. m. to 11.15 p. m.

Q. What date?

A. June 28, 1898. The course that was set from 11.15 p. m. would take the vessel over the crest of danger in Formirgas bank,
238 which would be a very imprudent thing for any navigator to do, as there is very little water on this bank, and it would be endangering the ship. In the noon position, which was the latitude by dead reckoning.

Q. Noon position on what day?

A. June 29th. The latitude by the dead reckoning is shown to agree with the latitude by observation. Taking the latitude by the dead reckoning is 19.36 and by observation 19.36, showing that the observation agreed exactly to the mile. This is that column (indicating). Now, the latitude by the run, as shown by the dead reckoning in the column, does not agree with that by observation by at least 16 miles.

Q. What do you mean by the dead reckoning?

A. By the dead reckoning I mean the speed of the ship as shown by the log, the patent log. It is entered in the column marked "Knots." He has got here 8 knots as the speed of the ship. Multiply the number of miles run by the number of knots per hour would give you the run from this position, where he has stated he was at 11.15, and that would be south about 16 miles of the position shown by the observation, and he has got the same to agree to a mile.

Q. You mean he has entered the same on the book?

A. Yes, sir.

Q. Did you work out the dead reckoning?

A. Yes, sir; I did. Again, he has a note that at 2 p. m., 5 miles off, showing several war vessels to the westward, presumed to be off Santiago harbor, bearing about west-northwest, steering coastwise for the port. At 4 p. m. he states he was off the port of Guantanamo. The distance between Guantanamo and Santiago de Cuba is 40 miles. Allowing that a vessel was 5 miles to the east-
239 ward, a war vessel was 5 miles to the eastward of Santiago—at that time the blockading vessels were at least as close to Santiago as that—and allowing that he sighted the vessels 5 miles off, as he stated, and that he displayed his colors for the purpose of identification, and it could not be further off than that, that would be giving him 30 miles to have run, which, at the rate of 8 miles an hour, which he puts down in his log, is an impossibility. The position at noon by the dead reckoning, as worked out by myself and as put down in the log, differs about 6 miles.

Q. East or west?

A. The position as given by himself differs 6 miles to the westward from the one as given by my calculation, as worked out by myself.

Q. Take your pen now and mark on this plat, which is marked "West Indies, Jamaica, etc." (and will be attached and marked Exhibit B). This is an official chart of those waters, is it not?

A. Yes, sir; it is. That position taken back from his run gives the position at 11.15.

Q. Marked letter A at that point?

A. There is where running on his course; he changed about 7.30 a. m.

Q. 7.30 a. m. What date?

A. On the 29th. The position C is the position at noon.

Q. What date?

A. On the 29th. That is his, according to his noon observation. Now, I know that the commanding officer is capable of taking a very accurate noon observation, as I tested him several times on the trip.

Q. Captain Yeates?

A. Captain Yeates, and his first officer also. They agreed exactly, and agreed with my run. In fact they were so accurate I
240 allowed them to take the noon observation. I worked the forenoon and afternoon observation and they checked, so I know they are capable of taking observations.

Q. That position C indicates where he was, according to the noon observation of the 29th?

A. His position by the noon observation and my position by the dead reckoning.

Q. Dead reckoning where?

A. This is the position of the ship (indicating). Now, D is the position as taken from the log by observation and his dead reckoning. He does not get a forenoon observation. He has got it marked here "obscured."

Q. Now, by his entry in the log book as to the distance that he traveled over, not from his dead reckoning, but from what he understoood to be his speed as entered in his log book, where was he at noon on the 29th—what position on the plat?

A. The position marked F.

Q. M; that is at noon on the 29th June. The position of the ship is marked by what process?

A. By the run as taken from the patent log.

Q. You mean as entered in the log book?

A. As entered in the log book at 8 knots speed—his entries in the log book at 8 knots.

Q. That puts him at F?

A. That puts him at F.

Q. The noon observation, made on the 29th, was what was shown by the observation of some planets, the moon or the sun?

A. The sun—meridian latitude.

Q. In other words, the noon observation at sea was simply to get the latitude and calculate the position of the ship?

A. The latitude of the ship by the altitude of the sun.
241 That is very accurate—the most accurate way of getting latitude.

Q. That put him at the letter C?

A. Yes, sir.

Q. While the point that he reached, according to the latitude that he put on his log book and by his rate of speed, was at F?

A. Yes, sir.

Q. The rate he put there was by his patent log?

A. Yes, sir; that is the only way he has of getting the speed of that ship; that is the only method he has of getting it, by the patent log.

Q. What is location of D there?

A. That is located by the course steered. He may have been in that position D; he may have made an allowance for wind, which was from the northward and eastward; he may have made some such allowance, but he does not show here he has made any. In calculating it it is possible he may have an allowance for an easterly wind. It would set him somewhat to the westward. I have not done so.

Q. How is it you say the course steered would bring him out at C and afterwards you say the course steered would bring him out at D? There is a difference in the record I want you to explain.

A. For my reckoning I have simply taken the course as given in the log and have made no allowance for wind, which was on the starboard bow, and this may have set in to the westward, as the ship was very light.

Q. Now, then, your calculations would put him at C?

A. Yes, sir; if I made no allowance.

Q. That is the position where he said he was himself?

A. That is where he says he was himself. I wish to go on
242 and state something more. When we found that his position was at D to have made Guantanamo harbor he should have steered a course about N. E. by N. Instead of that he continued his course for one hour north by east ½ east and then hauled up to a course north by west, hauling to the westward instead of to the eastward.

Q. Then, when he changed his course to the west, as you last state, how far off the Cuban coast was he, according to the position as indicated on the plat?

A. About 8 miles.

Q. Would the shore be in plain sight to him at that distance?

A. Very plainly; he states on the log that the coast of Cuba was in sight at 9 a. m., and that was at 1 p. m., after he had made a run of four hours.

Q. How far would the vessel have sailed, at her ordinary rate of speed, as indicated by the log there (8 knots an hour), from 9 a. m. to 1 p. m.?

A. 32 miles.

Q. Would the shore be in sight all that distance?

A. Yes, sir; easily, if it is clear weather.

Q. If it was clear weather it would be in sight?

A. Yes, sir; although he speaks of it here being squally and rain, which seemed he sighted it at very long distance in weather of that kind.

Q. How much water does the Adula draw?

A. Thirteen and a half feet.

Q. Would it be very dangerous to set that course from positions A to B, as indicated by your pencil line, between the two points across that Fromigas bank?

A. I think so.

Q. What does the chart indicate about the character of navigation at Fromigas bank?

243 A. It shows that there is a danger there, and from the chart I should judge that a portion of the bank is awash.

Q. What do you mean by awash?

A. That it is left bare when the seas leave it.

Q. You mean at low tide it shows up?

A. At low tide; and if the sea comes down the chart shows there is a heavy swell with a strong breeze there.

Q. Would an ordinarily prudent navigator put his course or run his course on a bank like that?

A. I should think not.

Q. Since having taken a recess for dinner did you repair to the steamer Adula and find any of the newspapers that you spoke about as having been aboard the boat when you seized her at first?

A. I did, sir; and the newspapers are in evidence here.

Q. You have them now?

A. I have them now; these are the newspapers. (Witness produces newspapers.)

Q. I will ask you later to make a special affidavit, identifying these papers, to be sent up with the other papers turned in by the prize commissioners. These are your initials, E. A. A.?

A. Yes, sir.

Q. One is La Lucha, June 9, 1898, and the Daily Gleaner, June 14, 98; this is the Kingston paper, is it not (referring to the latter)?

A. Yes, sir.

Q. And this is the Gleaner?

A. Of June 25, 1898.

At this point cross-examination of witnesses is taken up by Major P. W. MELDRIM.

244 Cross-examination:

Q. This Mr. Gill who has testified here, his means and opportunities for knowing the speed of the "Adula" are fairly good; he was on her this trip?

A. Yes, sir.

Q. You placed a guard over Mr. Solis with orders that he should not be permitted to leave the sight of the guard for a moment, did you or not?

A. Yes, sir.

Q. What special reason was there that you should have placed a guard over this man with such instructions?

A. I was obeying orders given me by my commanding officer, Commander McCalla.

Q. You therefore had some information, whether reliable or unreliable, in regard to Mr. Solis before you took possession of the "Adula"?

A. Yes, sir.

Q. Without stating what that information was, from whence and from whom was it derived?

A. From Mr. Solis himself.

Q. You evidently misunderstood the question. The question was, Before taking possession of the "Adula," before taking the steamer, if you put a guard over a man, keeping him guarded day and night, you must have had some knowledge or information concerning that man before you thus guarded him?

A. Yes, sir.

Q. From whom was that information derived?

A. From Mr. Solis himself before I accused him by admitting that he was a Spaniard, and I was ordered to place a guard over him.

Q. Then the only reason that you know of for putting a guard over this man was because he was a Spaniard?

A. Yes, sir; that's all I know.

Q. When you searched him he was entirely unarmed?

A. Yes, sir.

245 Q. There were no arms on the ship—apparently a commercial and peaceful ship?

A. Yes, sir.

Q. When this "Adula" approached the bay of Guantanamo her smoke indicated for some distance that a vessel was approaching that port?

A. Yes, sir.

Q. So far as these bluffs to which you have referred to as being too high to show the body of a ship, you were as well satisfied when you saw smoke what was approaching you—you were as well satisfied that a ship was approaching you as seeing the ship itself?

A. Yes, sir.

Q. For all practical purposes?

A. Yes, sir.

Q. So when you saw this smoke approaching the bay you believed that a steam vessel was approaching?

A. Yes, sir.

Q. It is a matter of common knowledge that a blockading ship engaged in her duty is prepared at every moment for rapid and immediate action?

A. Yes, sir.

Q. In referring to a blockade, directing our attention for the moment to the port of Guantanamo, you have said that a blockade commenced when the "Marblehead" came into the bay. When did the "Marblehead" reach the bay?

A. About June 8th.

Q. About June the 8th?

A. Yes, sir.

Q. You date the blockade from the time that the vessel came into that bay?

A. I do.

Q. Do you date all blockades from the time that a blockading vessel goes into a harbor?

A. Not necessarily.

Q. Why, then, do you date the blockade of this port at the time that this particular vessel got into this bay?

A. Because at the time she got into the bay she was assisted by another vessel, and no vessel could have entered into that
246 harbor either day or night without exposing themselves to capture by the "Marblehead."

Q. The blockade to which you refer was a blockade established by Admiral Sampson?

A. Yes, sir.

Q. When was the port of Guantanamo officially blockaded by the President of the United States?

A. June 27th, 1898.

Q. Therefore there was an official proclamation for Guantanamo bay on June 27th?

A. Yes, sir.

Q. On June 27th where were you?

A. I was on board the "Marblehead."

Q. And where was she?

A. She was in the bay of Guantanamo.

Q. And when did you see the proclamation of the President of the United States?

A. I don't recall that. I think either on that day or on the 28th the commanding officer informed me that the news had been telegraphed to him; I am not certain.

Q. On the 27th or 28th the commanding officer informed you of the blockade of Guantanamo bay?

A. That is, I think so.

Q. Will you be positive of the date?

A. No, sir; the 28th I think it was.

Q. Are you certain it was not later than the 29th?

A. I am sure that it was not later than the 29th.

Q. Are you prepared to say that a dispatch was not received by Admiral Sampson on the 29th day of June?

A. I am not prepared to state positively—no; but it is my belief that it was received; I don't know if it was received by Admiral Sampson, because he was at Santiago de Cuba. What the date of his dispatch is I don't know, but my belief is that it was received by my commanding officer on June 28th.

247 Q. Have you any knowledge as to when it was received by your commanding officer?

A. No, sir.

Q. You didn't see the dispatch?

A. No, sir.

Q. And you didn't see the bulletin?

A. No, sir; but I saw the bulletin containing the proclamation later.

Q. When did you see the bulletin containing the proclamation later?

A. I saw it, I think, after the first of July.

Q. Where did you see the bulletin?

A. On board the "Marblehead."

Q. It was an official bulletin?

A. It was a bulletin from the flagship.

Q. It was a bulletin sent from the flagship on the "Marblehead" and seen by you after the first of July?

A. I wish to state that it does not necessarily follow that I immediately saw that bulletin when it was received on board the "Marblehead," because I was in command of the "Adula," or in charge of the "Adula," and only came to the "Marblehead" about every other day; sometimes three days passed without my leaving the "Adula," and then I only came to the "Marblehead" with leave for a few hours to change my clothes.

Q. On July 27th and 28th Admiral Sampson was at Santiago, was he not?

A. Yes, sir.

Q. What means of communicating with the "Marblehead" did he have?

A. By torpedo-boats, dispatch-boats, and men-of-war and press-boats.

Q. Was he in cable communication with Washington on June 27th and 28th?

A. He was, through Guantanamo bay.

Q. How did he reach Guantanamo bay?

A. By vessel.

Q. If Admiral Sampson had received a dispatch informing
248 him of the blockade of Guantanamo, if it had been transmitted by cable from Washington, it would have reached Guantanamo bay, and thence it would have been transferred by vessel to Admiral Sampson's — off the port of Santiago?

A. Yes, sir.

Q. To communicate with Admiral Sampson, to establish communication, he would have been obliged to communicate also by vessels?

A. Do you mean communication for Santiago?

A. No; back to Guantanamo.

A. Yes, sir.

Q. When Admiral Sampson received the official proclamation of the blockade of Guantanamo bay you do not personally know?

A. No, sir.

Q. You remarked in your direct examination that ships had been turned back—from what port or ports?

A. Guantanamo.

Q. What ships were turned back?

A. A British ship—the name I have forgotten—boarded by meoff the entrance of Guantanamo bay seme time early in June, and I

ordered her to come in and anchor. She did so, and she stated that she was in there for the purpose of taking a cargo out from Guantanamo; this request was received by the commanding officer of the "Marblehead," and she was told that the port was blockaded and she couldn't come in.

Q. Now, after you had established this *de facto* blockade by the "Marblehead" coming into the bay of Guantanamo, at least one vessel did come in, one ship for cargo?

A. Yes, sir.

Q. Did any other?

A. I do not recall them.

Q. And she was not arrested, but turned back?

A. She was turned back; yes, sir. Not permitted to take cargo. The commander of that vessel told me that he knew nothing about the presence of our vessels at that time, and seemed to be
249 very much chagrined at the time that he couldn't enter.

Q. Now, on May 29th did you meet the "Adula" off Cienfuegos?

A. Yes, sir.

Q. At that time you served the captain of the ship "Adula" with a copy of the President's proclamation of the blockade of that port, Cienfuegos?

A. Yes, sir; I did.

Q. And of the several ports on the north side of Cienfuegos?

A. I did.

Q. You didn't give him a copy of the proclamation for Guantanamo bay?

A. There was none at that time.

Q. Now, when you boarded her at Guantanamo bay, why was she not given a copy of the proclamation?

A. Because the vessel was not allowed to go.

Q. In other words, the reason why you didn't give the "Adula" a copy of the proclamation of the blockade of Guantanamo was because she was not allowed to depart; is that the reason?

A. If you mean by a copy of the proclamation, if you mean a printed copy, I didn't have any, but a notice of the proclamation of the blockade of that port had been given to me, but he wasn't allowed to depart from there.

Q. You gave him a printed copy in the first instance?

A. In the first instance.

Q. You didn't give him any in the second instance?

A. Yes, sir.

Q. You didn't give him any in the second instance because you had no copies?

A. No, sir; I don't know whether we had any.

Q. In the second case you were not supplied with one?

A. I was not supplied with one, and because the vessel was not allowed to depart I would not have given him one in this
250 instance, unless the vessel had been allowed to depart; in other words, because the vessel had been seized there was no necessity to give her a copy.

Q. But the vessel hadn't been seized until you went aboard?

A. She was told to remain there.

Q. You met her on May 9th off a port that was blockaded and you gave her then a copy of the proclamation of the blockade of that port—Cienfuegos?

A. Yes, sir.

Q. You afterwards went aboard of that vessel off Guantanamo bay. You didn't give him any notice of any blockade of that port?

A. Yes; I have, sir.

Q. After you left the "Adula" on May 9th off the port of Cienfuegos, didn't the "Adula" steam close alongside of the "Marblehead"?

A. No; she proceeded at once into the harbor.

Q. Didn't an officer from the bridge ask Captain Walker if he would take some letters, and didn't you hear him ask that?

A. That's right, sir; that's correct.

Q. It is true, then, that she did steam close alongside of the "Marblehead"?

A. Well, this was a request by megaphone; it was close alongside.

Q Didn't the captain of the vessel ask him if he would take some letters?

A. That's my recollection of it.

Q. Didn't the captain reply that he would take them?

A. I am not absolutely satisfied about those points, but I think it was the case, and I think I went down below after returning to the "Marblehead," but I am not sure.

Q. Well, wasn't then the time that the captain of the "Marblehead" said the "Adula" could proceed?

A. I don't know that he said. I gave her permission to proceed myself.

251 Q. You saw the ship afterwards when the ship arrived outside of the port?

A. Yes, sir; I did.

Q. And you boarded her again?

A. I did.

Q. Didn't you ask Captain Walker at that time where that cable was in Cienfuegos?

A. I did not, and if any one asked him I do not know who it was. There was a Colonel Laborde, of the Cuban army. What he said to Captain Walker I don't know.

Q. Weren't you informed aboard of that ship where that cable was?

A. We got no information of the slightest value from them at all.

Q. Didn't the captain ask Captain Walker if he would take the mail for him?

A. He did.

Q. He did take it for him?

A. Yes, sir; he did.

Q. And the mail bag was sent on board the "Adula"?

A. Yes, sir; but Captain Walker was informed that the mail that

was sent by them was entirely personal letters—no official mail whatever.

Q. He took the mail for you, and at the time there were about 350 passengers, mostly women and children?

A. I think they were, sir.

Q. Now, briefly, Lieutenant, those are the circumstances connected with your boarding her off Cienfuegos at that time?

A. I don't know; there were a great many men, and if mostly women and children I am not absolutely satisfied on that point.

Q. You knew that Mr. Solis had a family in Manzanillo; he told you that?

A. Yes, sir; he told me that.

252 Q. He had a wife and four little children—four little girls?

A. He didn't tell me that. He said he had a family there.

Q. Manzanillo had not been bombarded by our fleet?

A. I had been told once that it had been.

Q. Who told you that?

A. One of our officers, but it was a mistake. He either told me that it was to be bombarded or that it had been. He afterwards told me that it was not bombarded, and I told Mr. Solis that to relieve his mind.

Q. You did tell Mr. Solis that Manzanillo had been bombarded and there was not a stone of it left?

A. I did not tell him that there was not a stone of it left. I don't know exactly what I did say.

Q. You did say to James C. Williamson on board of that ship that you were absolutely certain that Solis would be shot?

A. I never made that statement or anything approaching that statement. I did say that Mr. Solis would be shot if he attempted to leave the ship. I may have said that.

Q. Did you tell Mr. Solis, in the presence of Captain Yeats and first officer, Mr. Williamson, that Manzanillo had been bombarded?

A. I wouldn't be surprised if I did. I was told so by my commanding officer; that this would be done or had been done.

Q. You had some apprehension that Mr. Solis was acting the part of a spy, didn't you?

A. Well, yes; my impression was that he was.

Q. Was that the reason that he was put under guard?

A. I don't know, sir.

Q. Wasn't that your reason why you told him Manzanillo had been bombarded—to see what he would say on the subject?

253 A. I don't know, sir, that it was.

Q. Now, here is a man with his family in that town and he under guard and couldn't get away from that guard for a minute. What was your reason for telling him that?

A. Just to see what he would make of it—just for information.

Q. What was the purpose of it?

A. I don't know that I had any definite purpose. Mr. Solis was there with the purser and first officer, and I told it as a matter of information, and I also told of the destruction of Cervera's fleet.

Q. Now, when you said that it was almost a certainty that Mr. Solis would be shot?

A. I didn't make that statement. I deny positively and emphatically that statement. I probably stated that if he, Mr. Solis, should attempt to leave the ship he would be shot. As to Mr. Solis being otherwise shot, I absolutely deny that statement.

Q. Do you deny having a conversation with Mr. J. C. Williamson on July 2nd, in Guantanamo bay, with regard to Mr. Solis?

A. I don't remember.

Q. You don't recall it?

A. No, sir; I do not.

Q. Are you prepared to say that you have not had any conversation with Mr. Williamson about Mr. Solis?

A. Oh, yes, sir; I have.

Q. Are you absolutely certain that you have expressed no opinion to Mr. Williamson as to what would become of Mr. Solis?

A. Yes, sir; I am absolutely positive that I have not expressed an opinion as to what would become of Mr. Solis, because I didn't know. I am prepared to swear to that.

Q. You did say to Mr. Solis that it was a very peculiar business transaction?

A. I did, sir.

254 Q. Will you be kind enough to explain what would be peculiar with him to get 300 refugees at 10 pounds apiece—how would that be a peculiar transaction from a commercial point of view?

A. I knew that the ports of Santiago, Guantanamo, and Manzanillo were blockaded, and it was that Mr. Solis, a Spaniard, proposed to charter a vessel and go into a blockaded port as Guantanamo and take out refugees there, and we couldn't tell whether they were people belonging to the official class or the army or what they were, we would only have their names, and they would communicate with Santiago, where we had stopped all dispatches, and that he supposed that we would allow him to go to another port that was blockaded and then to a third port that was blockaded in the face of a refusal of our consul; that's why I say that the man was risking his money without a shadow of a chance of getting anything out of it.

Q. As to the refusal of the consul, have you any personal knowledge as to the refusal yourself?

A. Nothing, except what I have heard, and Mr. Solis has stated so himself.

Q. Suppose after the President had proclaimed a port had been blockaded, and that you were in command of the blockading ship, would you permit a vessel to enter upon the mere permission granted by an American consul?

A. No, sir.

Q. Then, Lieutenant, the permission of the consul to enter or his refusal to permit the captain to enter would have had no effect in obtaining an entry to the blockaded port?

A. Yes, sir; his refusal would.

Q. Suppose instructions were given and presented to you that the captain of a ship shall proceed to Guantanamo; that you
255 will stop immediately and communicate to the commanding officer of the vessel that you are on; that you will show to the commanding officer these sailing orders; that you will be careful not to interfere or make sk-tches of anything that you may see or hear; that you have some difficulty in obtaining a pilot, and if the commanding officer permits you to proceed that you will be able to receive from him the services of a pilot to go in. Suppose instructions of this kind were presented by the captain of this ship to you, would you say that, with those instructions, Mr. Solis was engaged in a wild speculation?

A. Yes, sir; I think that those instructions have no weight whatever; they may be merely a blind.

Q. You are aware of the fact that the policy of our Government has been to aid the Cuban refugees; you know that?

A. Yes, sir.

Q. You know that numbers of them have been sent to this country?

A. Yes, sir.

Q. You know that ships have been sent to Cuba for refugees?

A. Yes, sir.

Q. In what particular would there be any wild speculation in going to a port and seeing the commanding officer and saying: "I have come here with an empty ship for the purpose of bringing off certain refugees, and it has been the policy of the American Government to allow it; I submit to you now whether I can be allowed to enter this port." If these instructions are true, what wild speculation is there in it?

A. In the former cases the instructions had been forwarded
256 from Washington, Consul Dent simply acting as an intermediate there. Through Dent, but from Washington, the permission was granted. In this case no permission was granted. It was denied him because there he doesn't state that he was to bring out Americans; he stated formerly that he was to bring out Americans. However, he goes there to bring off people from a blockaded port and to enter another blockaded port, and then to the third blockaded port. He doesn't carry them direct from each blockaded port to Kingston, but he wants to take them from one blockaded port to another.

Q. Are you not aware of the fact that the first voyage of the Adula to Cienfuegos was to take off refugees?

A. I don't know that it was the first voyage.

Q. Do you know that the first voyage you met her was her second voyage to Cienfuegos?

A. No, sir; I do not.

Q. Do you know that on the 16th of May that she carried 200 refugees out of Cienfuegos?

A. Only by reference to the log.

Q. You say by reference to the log?

A. From consulting the log. May I consult the log?

Q. Certainly, with pleasure. You will find there by reference to an entry under date of May 10th she sailed with 350 passengers from Cienfuegos?

A. What day did you say, sir?

Q. May 10th.

A. She has, Going on May 11th, Kingston to Cienfuegos. I don't understand this log, because he has got here, "Jamaica into Cienfuegos," and then on May 11th he has got, "Bound from Kingston to Cienfuegos."

Q. I think you will find there, Lieutenant, that she sailed at 2 o'clock on May 10th.

A. How is it possible he has got on May 11th, "Bound from Kingston to Cienfuegos"?

257 Q. She arrived at Cienfuegos and was granted permission to enter, and on the following day, May 10th, she left with 350 passengers. You met her on the 9th, going in?

A. Yes, sir; I did.

Q. And on the next day, May 10th, you boarded her again?

A. Here is my entry from off Cienfuegos, the entry that I made in the log. She did leave on May 10th; she left Cienfuegos with passengers.

Q. And it was on that day that you, Lieut. Anderson, boarded her coming out?

A. That's right, sir; he has got the wrong entry in his log.

Q. Now, on the 16th of May you find that she left Kingston?

A. Yes, sir.

Q. And arrived in Santiago on the 17th?

A. Yes, sir.

Q. Sailed the same day with 200 passengers, mostly women and children?

A. I don't see anything there stating the character of the passengers.

Q. Does it state the number?

A. No, sir; nothing down here to state the number or character of the passengers. Just says, "Took on passengers."

Q. On the 21st of May you find that the vessel sailed for Cienfuegos again from Kingston?

A. That is correct, sir.

Q. You don't know whether at that time this vessel steamed down to the Brooklyn. Do you find any entries to that effect?

A. Yes, sir; down here I see on the log on the 23rd, "Brooklyn, received permission to pass after one and one-half hours' delay."

Q. You were not present aboard of the Brooklyn, Lieutenant?

A. No, sir.

Q. On the 16th of June, Lieutenant, she arrived in Cienfuegos. Do you find an entry of that kind in the log?

258 A. "Lying off Cienfuegos;" yes, sir.

Q. On the 17th of June?

A. Yes, sir.

Q. She sailed from Cienfuegos on the 19th?

A. Yes, sir.

Q. Is there any entry on the log as to whether she had refugees or passengers?

A. Says she has.

Q. Gives the number?

A. No, sir; "passengers commenced embarking."

Q. Now, what time in June was it that the "Marblehead" went into Guantanamo bay, Lieutenant?

A. June the 8th, as near as I recall it; I think the first trip was on June 6th, but I am not sure; she was there on June 8th.

Q. So you, therefore, observed that this same vessel had gone in and had on a number of trips apparently carried off refugees?

A. Yes, sir.

Q. Well, now, in the light of all that, Lieutenant, the number of those trips, assuming that these sailing instructions are correct, do you still stick to the original proposition that that was a wild speculation?

A. I do, sir.

Q. Now, isn't this the truth of the case, that the impression got abroad that there was on this vessel on one of these trips a passenger no less than the private secretary of Captain General Blanco; that created some suspicion in the minds of them; you never have discovered that any such man was on the ship. You then received information to the effect that Solis was in the Spanish service, and he was regarded as a spy, and that he had some $300,000 in gold on him?

A. I never have heard anything about Solis having any gold, or that he was in the service of the Spanish government. What I heard from two Cuban guerrillas was that Solis had a brother who was a prominent guerrilla in the Spanish army. I heard that from
259 a Cuban officer that he was a Spanish guerrilla.

Q. Don't you know that he was born in Cuba?

A. I don't remember his telling me where he was born.

Q. But his family is in Manzanillo?

A. Yes, sir.

Q. Do you know that communication existed between Kingston and Guantanamo?

A. Yes, sir.

Q. Did you not receive a message from Mr. Dent substantially to this effect, that Solis was going for the purpose of inducing the Cuban rebels in the American camp to leave?

A. That's the first I have heard of it.

Q. You haven't had the faintest idea of that, have you?

A. I never heard it.

Q. What was the cause of your suspicion against Mr. Solis?

A. The principal cause was he was a Spaniard; the next cause was, it was said that Gen. Blanco's secretary was on that ship. We were told to look out for a ship of that name, and we were told to search the ship for Gen. Blanco's secretary.

Q. And then Mr. Solis was put under guard?

A. Yes, sir; because he was a Spaniard. He was put under

guard after we had determined that there was absolutely no one on board of that description.

Q. Now, the bulletins have been issued to keep a lookout for the Adula, because she was supposed to have on board the private secretary of Gen. Blanco, and therefore you were looking out for her?

A. There was also a bulletin that she was going to attempt to run the blockade; there was in the same bulletin that she was chartered by a Spaniard, Mr. Solis; that she had the private secretary of Gen. Blanco on board, and that she was going prepared to run the blockade.

Q. Now, when was the proclamation issued of the blockade
260 of Santiago?

A. That was on the same date as that of Guantanamo—27th of June.

Q. Didn't Captain Yeates tell you that the consul had said that he had no permission or authority to give permission to pass the blockade?

A. I recall Captain Yeates telling me that, but think he told me that the consul had refused permission, and they went on to sea; that our consul was cranky and wouldn't give permission to anybody.

Q. Don't you recall that Mr. Yeates said that the reason Mr. Dent said he didn't give his permission to pass the blockade was because he didn't have the authority?

A. No, sir.

Q. Didn't you already testify that the consul didn't have authority to give anybody permission to pass the blockade?

A. I have stated that.

Q. For a ship passing around from place to place, you are prepared to say that 96 tons of coal would be too much for her to carry in her ordinary trips?

A. I am not prepared to say that.

Q. In other words, Lieutenant, if it be true that this vessel, the "Adula," that her ordinary business was to coast around the island of Jamaica, going from place to place around that coast, whether or not that tonnage of 96 tons would be an excessive amount of coal for her.

A. The only reason that I had for supposing that the amount of coal she had on board would be excessive for that trip was because she had about 16 tons in the lower hold, which she didn't habitually carry in her trips around the island.

Q. Now, if she was chartered to go to all three of the ports—Santiago, Guantanamo, and Manzanillo—do you know of any reason why she should not have carried sufficient coal on board
261 to make those trips going without a cargo—that vessel going for passengers—and then be prepared to make her regular trips?

A. I don't know, sir.

Q. Then, in that instance, you are not prepared to say?

A. No, sir.

Q. Now, Lieutenant, would it not be good sense, good economy,

for a ship agent that was sending his ship off to enter three of these different ports with any deviation such as may arise and then to resume on her return her trips around the island to put enough coal on board for her regular trip; don't you think it would?

A. I don't know, sir.

Q. Frankly, when you started, wouldn't you put in all the coal that you needed—that you would put enough coal in there that you wanted?

A. I would not put coal in the cargo's space, because you would have to put the coal in the cargo's space back into the bunker.

Q. You have stated that it was in the cargo's space?

A. Yes, sir; it was in the cargo's space—16 tons in the after lower hold—and I shouldn't put it in the lower hold and then afterwards put it in the bunkers again; but in case she intended to take the trip that you speak of it might be a good plan, only I had some little doubt that she would fill her cargo space with coal when she would have to clean up the space afterwards before she could take cargo.

Q. You say that this ship, that the "Adula," has no way of determining her speed except by a patent log?

A. She might do it by counting the revolutions of the engine.

Q. She has no other means of determining her rate of speed except by the patent log?

A. I don't know.

Q. At the time that the vessel was seized by you and, say,
262 preceding for the 24 hours, how was the wind blowing?

A. Well, I should say that the wind was blowing from the northward and eastward.

Q. Now, that would strike her off the starboard bow?

A. It would, sir.

Q. And there would have naturally been some drift to the westward?

A. Yes, sir.

Q. Now, this bank to which we have referred, the most natural thing in the world would have been for the navigator to have borne a little to the westward of that bank?

A. Yes, sir; I believe so.

Q. He could not have gone over it, could he?

A. If he had tried, he might have been there yet.

Q. You don't mean to intimate by your testimony that he went over that bank?

A. No, sir.

Q. If the bank was awash and she was drawing about 13 feet, it is a physical impossibility to pass over it, isn't it?

A. Absolutely.

Q. There was one point in her course, Lieutenant, as she neared Cuba, where you say she continued for about an hour and then headed to the westward instead of the eastward?

A. Yes, sir.

Q. About how far upon that course was she sailing when she sailed westward; does it indicate it?

A. Yes, sir; she was heading north by east one-half east.
Q. That's on the log; what voyage is that log?
A. It's on the 29th.
Q. Does that show after she changed from the west?
A. No, sir; he says, "One o'clock, north by west until 2 p.m., then east at 2 p.m."

263 Q. How is it after that?

A. He doesn't give any course afterwards; he hauls along the shore.

Q. Now, are you sufficiently acquainted with that coast and commercial navigation to say that when he got within—I believe the statement is that within 8 miles of the coast he wanted to go to Guantanamo; that he went all along the coast to the eastward; wouldn't that have been correct navigation?
A. O, yes, sir; but he says he hauled to the westward.
Q. Your position is that he held too long to the westward?
A. Yes; I couldn't understand that if he fixed his own position by observation and dead reckoning why he should not have hauled to the eastward for the entrance to Guantanamo harbor instead of continuing his course an hour longer and then hauling westward of north.
Q. Now, the wind was north and east of him?
A. Yes, sir; east northeast.
Q. Did you know anything about currents along there?
A. Well, the charts show a westerly drift, but we found an easterly drift.
Q. The chart indicates a westerly drift?
A. That I cannot say, but those currents are so uncertain that you cannot rely on them.
Q. Now, after he got into Guantanamo bay he ran up a signal for a pilot, and there was one sent there from the "Marblehead," a Cuban pilot?
A. Yes, sir; and boarding officer.
Q. Wasn't a Cuban pilot sent on board?
A. I don't know, sir; I wasn't present.
Q. Did you see the signal for a pilot on her?
A. No, sir; I didn't see that.
Q. You didn't see that?
A. No, sir.
Q. You don't know whether that was run up or not?
A. No, sir.

264 Q. And you don't know whether a Cuban pilot went on board or not?

A. No, sir; but I think there was.
Q. When did the American troops take possession of Guantanamo?
A. The American troops?
Q. Yes; the landing party, or marines. Do you consider the marines part of the land forces?
A. I can't answer that exactly.
Q. You don't know the date?

A. No, sir; not exactly.

Q. About how long before you seized the "Adula," approximately?

A. It was certainly more than a week.

Q. Then, at the time of the capture of the "Adula" we were in possession by land and by sea of Guantanamo?

A. Yes, sir.

Mr. ERWIN: Of the city, you mean?

A. Of the entrance to the harbor, not of the city; it was the bay, the entrance of the bay on one side only. We were in possession of the bay by our ships, and to the eastern shore by our marines. One side was in the possession of the Spaniards.

Q. You had possession of the bay entirely?

A. Yes, sir; by our ships.

Q. We had possession of the eastern point by our marines. Were those marines from the "Marblehead"?

A. No, sir; those were marines from the United States.

Q. The town of Guantanamo was a town of what size?

A. There is only about three or four thousand inhabitants there now; before the Cuban rebellion it was quite a city.

Q. Well, when you seized the "Adula" the town was then in the possession of the Spanish troops, the town itself?

A. Yes, sir.

Q. Now, the refugees, if her instructions are true, expected to be taken out of the town of Guantanamo, thence to the harbor, and thence to Kingston?

265 A. Yes, sir; the town of Guantanamo is connected by railroad with the town of Caymanera, and from the town of Caymanera they can come down on to the boat and go to Kingston; but they were supposed to have gone to Santiago. That is why I say this is a foolish speculation, because, as an American officer, I would not permit men to be taken out of one Spanish port and taken to another. We knew that Caymanera and Guantanamo were invested, and it was invested so closely that we had seized men carrying dispatches to there from General Perez, and if we had allowed this boat to proceed there they would have sent those dispatches on to Santiago.

Q. Now, from Caymanera to the bay there is a running line of road?

A. Yes, sir.

Q. Then, for people to get from that point to Kingston and from Guantanamo they would have to come down by rail to Caymanera to the bay and there embark on the ship?

A. Yes, sir.

Q. You found no cargo, of course, on the ship at all?

A. No, sir.

Redirect examination:

Q. In answer to a cross-interrogatory you stated that the President's proclamation of April 27th blockading or declaring Guanta-

namo and Santiago in a state of blockade was communicated, as you thought, to you by your comm under about the 28th of June?

A. Yes, sir.

Q. Was that proclamation, as you understood it, a declaration or proclamation of a specific blockade of the ports of Guantanamo, Santiago, and Manzanillo, or how was the proclamation expressed, as you understood it?

A. It was expressed that the southern coast of Cuba between such and such points were in a state of blockade.

Q. Between what points?

266 A. Between Cape Frances and Cape Cruz, inclusive.

Q. Your conclusion, then, that the public blockade or presidential blockade declared of those particular ports is drawn from the facts that those particular points are situated in that particular territory?

A. Yes, sir.

Q. Prior to that time, when was the actual blockade established by Sampson put on at Guantanamo?

A. About June 8th.

Q. Well, now, was the blockade established by Admiral Sampson then continuous and uninterrupted at Guantanamo bay to the time of the seizure of the "Adula"?

A. It was.

Q. What ships did you keep there?

A. We kept the "Marblehead." She was kept there all the time, and there were always some men-of-war in there coaling.

E. A. ANDERSON,
Lieutenant U. S. Navy, Prize Master.

Answered, subscribed, and sworn to before us this July 26, 1898.

A. E. K. DENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

We hereby certify that the chart of the West Indies, Jamaica, and parts of Cuba and San Domingo, accompanying these interrogatories, marked Exhibit B and having on the margin thereof the names of the undersigned, is the identical chart used by witness E. A. Anderson and referred to in his interrogatories as Exhibit B.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

267 Endorsement: In U. S. district court, eastern division of southern district of Georgia. United States *vs.* Steamship

Adula. Prize. Interrogatories of Edwin A. Anderson. From sealed package from prize commissioners, opened by the court and now, July 27th, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

268 In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
STEAMSHIP "ADULA," HER TACKLE, APPAREL, FURNITURE, AND Cargo.

To Robert W. Yeats, master of the steamship "Adula," and to all other persons claiming an interest in said vessel and cargo:

Notice is hereby given you that on Monday morning, July 25, 1898, at 10.00 o'clock a. m., at the United States court-room, in the city of Savannah, State of Georgia, the depositions of Edwin A. Anderson, F. Gill, and W. Ellenberg will be taken *de bene esse* before A. E. K. Benham, Julian Schley, and Edgar Denmark, prize commissioners in the above-stated case, in behalf of the libellants.

Very respectfully. MARION ERWIN,
U. S. Attorney.

Savannah, Ga., July 23, 1898.

Service of a copy of the above notice acknowledged, and it is agreed that the said depositions may be taken orally on examination, cross-examination, and re-examination by counsel of the respective parties before the said prize commissioners, and that the testimony may be taken down stenographically and reported in typewriter by a stenographer to be appointed by the prize commissioners, and when signed by the respective deponents shall be reported by the prize commissioners in usual form.

P. W. MELDRIM,
Counsel for Atlas S. S. Co., Limited, Claimant.
ROB'T W. YEATS,
Master S. S. "Adula."

July 23, 1898.

269 In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE UNITED STATES
vs.
STEAMSHIP "ADULA," HER TACKLE, APPAREL, FURNITURE, AND Cargo.

Testimony *de bene esse* of witnesses produced before Prize Commissioners A. E. K. Benham, Julian Schley, and Edgar Denmark, at the United States court-rooms, Savannah, Georgia, July 25, 1898, at 10.00 o'clock a. m., in the above-stated case, on behalf of the libellant, in pursuance of the notice and agreement hereto attached.

Present: E. A. K. Benham, Julian Schley, and Edgar Denmark, prize commissioners; Marion Erwin, United States attorney; William R. Leaken, assistant United States attorney, for libellants; P. W. Meldrim, proctor for the Atlas Steamship Company, Limited, and Robert W. Yeats, master of the "Adula," claimants.

270 WILLIAM ELLENBERG, called as a witness for the libellant, after being duly sworn, testified as follows:

Q. Mr. Ellenberg, what service were you in under the United States Government on July 29th of this year, 1898?

A. I haven't been in any *in* July 29th; it was on June 29th.

Q. I meant to say in June.

A. It was what we call in the service of signal boy on the outside, to be a lookout.

Q. On what?

A. On the "Marblehead."

Q. The "Marblehead" is a United States warship?

A. Yes, sir.

Q. Well, on that particular occasion what specific duty were you performing in the afternoon?

A. I was up on the bridge, looking out for signals and vessels of every description. I was there from 12 o'clock noon until 8 o'clock that evening, on an eight-hour watch.

Q. How old are you?

A. I will be 19 the 18th of August.

Q. How long have you been in the service of the United States Navy?

A. Two years the 16th of last June.

Q. What has been your usual duties on the ship?

A. Signal boy.

Q. Do any firing at the guns?

A. Gun captain.

Q. You are also a gun captain?

A. Yes, sir.

Q. On the afternoon of June 29th, 1898, did you notice where you saw the steamship "Adula," if you know?

A. I don't know the exact place, but when I saw the smoke, not

knowing the exact ship it was, I reported there is a ship coming around the western point.

Q. Where was the "Marblehead" at that time?

A. She was lying inside the harbor; I should judge about the center of the harbor.

Q. What harbor?

A. Guantanamo bay.

Q. Now, where was the "Adula" when you first saw any signs of her?

271 A. When I first saw a sight of her I could make her out, because I have seen her before, and the minute I saw her I reported it was the "Adula." We have long glasses and I reported the "Adula."

Q. That was when you first caught sight of her?

A. Yes, sir.

Q. You saw the smoke prior to that time?

A. I saw the smoke for two or three minutes around the western point.

Q. Western point of what?

A. Guantanamo bay; I don't know the exact name of it.

Q. Look at this plat and state if you know what that is. (Here witness is handed a chart of Guantanamo bay, same being marked "Exhibit A").

A. This is a chart of Guantanamo bay, and this is the western point here (indicating), and this is the eastern point (indicating), and the "Adula" was coming around this point (indicating), looking as if she was coming from Santiago—looked to be.

Q. Now, from the looks of this chart, can you locate about the situation of the "Marblehead" at the time when you first saw the "Adula"? Where was the "Marblehead"? Take that pen, for instance, and touch about the place where you would locate the "Marblehead."

A. I think she was right abreast of this point here (indicating), but I would not say for certain—just about Fisherman's point, just abreast of Fisherman's point. There is about seven fathoms of water where she anchored.

Q. Right there (indicating)?

A. Yes, sir.

(Here witness marks in black ink the letter "M" as being about the position of the "Marblehead.")

Q. Where was the "Adula's" position, as shown on the plat, at the time that you first saw the smoke, when you saw it across the point?

A. The first time it was around here (indicating); sometimes there is low lands.

272 Q. Indicate it with the pen.

A. I think it is just to where that mark is there, sir (indicating).

Q. That mark in red ink, letter "A"?

A. Yes, sir.

Q. About how far was it from the "Marblehead" when you first saw the smoke of the "Adula"?

A. I don't know, sir.

Q. What, in your judgment, would be the distance?

A. I think it would be about 5 or 6 miles.

Q. When you first saw the smoke?

A. From the "Marblehead," but I think it was about three miles from the western point.

Q. When you first saw the smoke?

A. Yes, sir.

Q. When you first saw the smoke, would that indicate the way the "Adula" was coming?

A. We judged from the smoke, and before the "Adula" came there we saw no smoke.

Q. Could any one on the "Adula," from where you saw the smoke, see the American warships in the harbor?

A. No, sir; we could see them first.

Q. How far had the "Adula" to go in the direction to where she was going, towards the westward point, before she could see the warships there?

A. She had to get right abreast before she could see the ships inside.

Q. Is that a low or high point?

A. It is low in some points and high in others. You see that point here (indicating); we cannot be seen very well until they come around the point.

Q. Was there any American warships going out of the harbor—moving out of the harbor of Guantanamo bay towards the ocean at the time that the "Adula" was coming up to the point?

A. There was one.

Q. About where was the "Adula," on the plat, at the time that the "Adula" could have first noticed the warship coming out of the harbor?

273 A. The warship coming out of the harbor was not a very small point from the "Adula." She was over in this direction (indicating).

Q. What was her position when she could have first noticed the warship coming out?

A. About two miles. You had to use very strong glasses; otherwise you couldn't have seen her. I don't know the exact name of her, and therefore won't say the name.

Q. From the time that you first saw the smoke of the "Adula," describe the movements of the "Adula," how she moved and where she went to.

A. As far as we could watch she came down in this direction (indicating); she came up by here (indicating); she came from the westward and stopped very near abreast this point here.

Q. The eastern point?

A. That eastern point there; about there (indicating).

Q. Along what is called the eastward point?

A. Yes, sir; and then she hoisted the jack, as we call it, and then

she kept steaming around from the outside; she made no attempt to come in for about 20 minutes.

Q. At that time about where was the American warship that was coming out of the harbor?

A. I don't know where she was.

Q. Had they passed anywhere near each other?

A. I could not say.

Q. This ship, you say, moved around there and hoisted a pilot's signal at that location where she was?

A. Yes, sir; and she kept steaming around there about 20 minutes; she got abreast of the eastward point, and we sent out a Cuban pilot.

Q. From the position of the "Adula" at the time that persons upon the "Adula" could first see that American warship coming out of the harbor, was the "Adula" in a position that she could have turned around and gotten away from there without being captured?

A. She could if she wished, as far as we could see of her.

274 Q. That she could have gotten away from this boat going out?

A. As far as I could see, she could have gotten away if she chose to.

Q. How near was that warship from the "Adula" when she was going out of the harbor?

A. I don't know.

Q. Was it in gun-fire distance?

A. Yes, sir; in gun-firing distance.

Q. Could she have gotten away without being in danger of being hit?

A. She could, because I have been told that the guns on the "Vixen" could not carry two miles, and she couldn't have been hit if she had wanted to get away.

Q. You don't know the comparative speed of the two vessels?

A. No, sir.

Q. Well, after this Cuban pilot was sent aboard of the "Adula," what movements did the "Adula" make then?

A. She came right in the harbor with him on board.

Q. Where did she anchor?

A. She anchored right abreast Guantanamo river; right here, sir (indicating).

Q. It was where that letter "M" is marked in red ink (indicating)?

A. Very near there, sir.

Cross-examination:

Q. Was there steam up on the "Marblehead"?

A. We always have steam up—steam up and the anchor ready for slipping.

Q. If the "Adula" had sailed from Kingston—usually in going for Guantanamo bay this would have been her natural course—along here, wouldn't it (indicating)?

A. That would have been her natural course, but from what I had pumped out of their men she had been to Santiago.

Q. That's your statement that you derived from others?

A. No, sir; that's what they said. I asked them, and they
275 said she had been to Santiago.

Q. The question that I asked you, if she had been sailing from Kingston to Guantanamo bay that would have been her proper course?

A. Yes, sir; that would have been the point that she would have had to make in there.

WM. ELLENBERG.

Answered, subscribed, and sworn to before us this July 25, 1898.

A. E. K. BENHAM,
Rear Admiral U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

276 FREEMAN GILL, called as a witness for the libellant, after being duly sworn, testified as follows:

Q. Mr. Gill, you are in the United States Navy?

A. Yes, sir.

Q. On what ship?

A. United States ship "Marblehead," sir.

Q. What is your general occupation on the ship?

A. Armorer; hold position of gunner's mate, first class.

Q. Were you on board the "Marblehead" on the afternoon of June 28th, 1898?

A. Yes, sir.

Q. The 29th also?

A. Yes, sir.

Q. On June 29th, in the afternoon, what position was the "Marblehead" in in reference to Guantanamo bay?

A. How was she laying, sir?

Q. Yes. Look at this chart, "Exhibit A."

A. This is the entrance to the bay (indicating).

Q. Here is the entrance to the bay (indicating)?

A. The "Marblehead" was lying in about here, in this position (indicating), here inside of this western point. The harbor, I think, is north and south. She was lying north. I believe she was swung.

Q. Indicate by the pen about where you think she was.

A. I think she was right around in between them two, about there (indicating). (Witness locates the position as being between the letter "M" in black ink and the letter "M" in red ink, about the 5¾-fathom-mark.)

Q. Did you see the steamship "Adula" on that afternoon?

A. Yes, sir.

Q. What position was the "Adula" in when you first saw her?

A. When I first saw the "Adula" she was rounding the point.

Q. Rounding what point?
A. Rounding the westward point, sir.
Q. Indicate with this pen here about the position about the westward point. About what position on the plat would you
277 locate the "Adula" when you first sighted her?
A. I couldn't locate her very close. When we seen her it was from where we were lying until she got up around this point (indicating), and I couldn't see exactly where she was out there. I would locate her somewhere around here (indicating). (Witness locates the position of the "Adula" at this point by a cross-mark in black ink.) I located her from the deck and I had no glasses and I located her with my eyes.
Q. Had you seen any indication of her otherwise than by actual sight of the ship? This is prior to the time that she was rounding the point?
A. We seen smoke out there. We seen smoke and was watching for it to see what it was.
Q. At the time that you first saw the "Adula," caught a sight of her, was there any American warship moving out of the harbor?
A. Yes, sir; the "Vixen."
Q. What was the "Vixen"—what kind of a ship?
A. She is a small auxiliary cruiser.
Q. When you first saw the "Adula" at the position, we will say, of that cross-mark, what position was the "Vixen" in?
A. She was away inside of that point here. She was pretty close to the "Marblehead," not a very little ways from her. She might have been a little mite off to the southeastward of her.
Q. We will just put a letter "V" where she was at the time you saw the "Adula" going out. Where was the "Vixen"?
A. Pretty close to where the bight makes in after you round the eastern point and runs out to where the cable station. I would locate the "V" somewheres pretty close around there.
Q. We will put a little "V" there (indicating). She was there at the time you first sighted the "Adula" coming around the point. The "Vixen" was a little sort of behind the "Marblehead"?
278 A. She was just about in a line.
Q. Right in a line?
A. Yes, sir.
Q. Did the "Vixen" keep on moving out?
A. Keep on moving out?
Q. Did she go out of the harbor?
A. She went out of the harbor; yes, sir; rounded the point out and stood to the westward in the channel around the harbor until she sighted the "Adula."
Q. Then what did she do?
A. The "Adula" put her helm down. She put her helm to the port and went around and stood out, and then the "Vixen" then—but that time we had the launch down, and when she seen the "Vixen"—the "Vixen" still kept coming out—she went and broke the pilot flag at the fore—she broke the jack at the fore.
Q. What do you mean—that she had a flag up for a pilot?

A. Yes, sir.

Q. What I want to get at is how did the "Vixen" and "Adula" do? Did the "Vixen" keep right on up here by her?

A. The "Vixen" kept right on by her.

Q. Where did the "Vixen" pass her?

A. The "Vixen" passed her to the westward. She stood by. She stood in about that time, and I thought she was coming in, and she came in the harbor. She went into the harbor and was boarded.

Q. Did the "Vixen" continue going out to sea?

A. The "Vixen" went down to Santiago, I think.

Q. Well, now, indicate on the plat with your pen about the position of the "Adula" and the position of the "Vixen" at the time that the "Vixen" passed her in going to sea. Indicate on the plat where the "Adula" and where the "Vixen" was at the time the "Vixen" passed the "Adula" going out to sea.

A. When the "Vixen" passed her?

Q. Yes, sir.

279 A. All right. It was right here the "Adula" passed. It is indicated by the letter "A" in black ink. The "Vixen" was coming out of the port, and the "Adula" when she came in broke the pilot flag. She was right inside here—inside the point (indicating), and the "Vixen" was here at Guantanamo, off in this direction. She might have been a little further to the westward than that is. The position of the "Vixen" is indicated with the letter "V," with a prime mark before it.

Q. Now, if those were the positions of the Adula and the Vixen at the time that you speak of, the Vixen must have passed the Adula before she got there, if the Vixen was passing out of the harbor, hadn't she?

A. The Vixen was passing out of the harbor when the Adula came around this point, and then she turned round and round back again, and then the Vixen was out to sea, and she slewed around and around, back again, around the point, and then the Vixen passed her.

Q. Then the point of passing must have been right off this western point?

A. The westward point is the point of passing, but to get into it you have got to stand up a little to the middle—to the eastward. There is a red buoy out in the water, and you go round the buoy first here, and then you are in the bay. The Vixen couldn't get out any other way.

Q. At the time the Vixen was in this position, marked with a cross-mark, was the Adula in gunshot of the Marblehead?

A. No, sir; you couldn't sight her. She was out in the wake of the land. You couldn't hit her.

Q. In the wake of the land?

A. Yes, sir; around the point.

Q. Was she near enough to shoot her?

A. If she was in full view, but you couldn't see her enough to get a range at her.

Q. Well, if the Marblehead had wanted to chase her and the Adula wanted to get away, was the Marblehead in position
280 to have taken her?

A. Not very handy. We would have to have gotten under way, and she was under way, and by the time we got our anchor up and got around she could have got, I suppose, about a half hour's start of us; not more than three-quarters of an hour start.

Q. What is the speed of the Marblehead now, sir?

A. I don't know, sir; she is foul; her bottom is foul.

Q. What speed has she made?

A. I have been in her when she made 17 knots.

Q. What speed has the Adula?

A. Well, I suppose about 12.

Q. You don't know that for certain?

A. No, sir; I don't know anything for certain about the speed of the Adula.

Q. When the Adula was in this position, when you first sighted her, at the cross-mark, and the Vixen being about the position of the Marblehead, but the Vixen being under way, going to sea, was the Adula in such a position that the Vixen could have overhauled her if she had turned and run?

A. I presume she could, sir; but there would have been a signal made if she wanted to do it.

Q. I mean if she wanted to do it.

A. Yes, sir.

Q. Now, when the Adula was off, moving in front of the harbor, as you have described, was the Vixen then in a position to make a prize of the Adula if the Adula had attempted to escape?

A. By that time we were making signals to her and had sent out the launches.

Q. To whom?

A. The Adula.

Q. I mean could the Vixen have done that if she wanted to.

A. Yes, sir; I presume she could by going about and coming back.

281 Cross-examination:

Q. This channel is about how wide; do you know?

A. I don't know exactly.

Q. Approximate it as near as you can.

A. You mean the channel here between the two points?

Q. I mean the ship's channel.

A. I couldn't tell you, sir.

Q. The same channel that the Adula used to go into the harbor was the same channel that the Vixen used to go out, wasn't it?

A. No, sir; the Adula came into the harbor. When she came into the harbor she stood to the eastward. When the Vixen went out she stood to the westward and then down to the eastward.

Q. How close did they get together at the nearest point, one going

to the south and one going to the northward, one entering and one leaving; how close did they come together?

A. I suppose within half a mile.

Q. The Vixen was an American warship going out, and this was an English ship coming in?

A. Yes, sir; but the Vixen don't draw the amount of water that the Adula does.

Q. I am not asking you about the depth of water, but one was going to the northward and one to the southward?

A. One to the westward.

Q. Yes, sir; one entering the port and one leaving the port?

A. Yes, sir.

Q. The Marblehead had steam up?

A. No, sir; she might have had fire under her boilers, but she didn't have steam up.

Q. She was ready to get under way?

A. I am not a fireman, and I don't know anything about that.

Q. You were ready to move, and were on the alert and ready to weigh your anchor; you were ready to start and ready to get under way?

A. I don't know anything about that.

282 Q. You know that in a port of that kind you generally have steam up?

A. Yes, sir.

Q. And don't you know that they had steam up?

A. I don't know that; they had fires banked; they don't generally have to keep their boilers going.

Q. How long would it have taken her to get under way?

A. Between a half and three-quarters of an hour.

Q. You mean to tell me that it would have taken that ship from a half to three-quarters of an hour to get under way?

A. Yes, sir; because we had boats down and would have had to get them up.

Q. How long would it have taken that ship to get under way, leaving the boating party out of the case? I mean in a case of emergency how long would it have taken that ship to move.

A. In case of an emergency it would have taken her about half an hour.

Q. It would have taken a half hour for the ship to get a move on her?

A. Yes, sir; as far as I know. I don't know what was in the fire-room.

Q. You say this British ship, the Adula—about how far was she from the Marblehead when you first saw her?

A. She must have been fully a mile. I don't know.

Q. About a mile. You have travelled on the Adula coming here, after the capture; you were on her?

A. Yes, sir.

Q. You know how fast she travels?

A. We have travelled all ways, but we made full speed for about four hours, and half speed for about 4 hours.

Q. What was her average speed?
A. I suppose about 8 knots.
Q. Now, if the Adula was coming from Kingston she would come in there in about the same course that you saw her?
283 A. If she was coming from Kingston, she could cross and strike across that way from Port Antoin, but she would have to strike to the westward.
Q. And this vessel you found coming in the harbor in daylight—what time of day was it?
A. It was in the evening.
Q. Along in the afternoon?
A. Yes, sir.
Q. And the American ship Vixen going out?
A. Yes, sir.
Q. She signalled for a pilot and a pilot went aboard of her?
A. No, sir; the captain went aboard of her.
Q. I mean after the signals were made.
A. Yes, sir; but after the signals were made asking what that strange vessel wanted.
Admiral BENHAM: Did she make that signal to the Adula?
A. They told them to make it, but I don't know whether it was made.
Q. But you did see the pilot signal run up?
A. On the Adula?
Q. On the Adula.
A. Yes, sir.
Q. You saw her come up and saw her when she anchored?
A. Yes, sir.
Q. And as she came in, before she anchored, they went aboard of her?
A. Yes, sir.
Q. A vessel without a cargo?
A. They went aboard of her before she anchored; yes, sir.
Q. She had no cargo on board of her?
A. No, sir.

Redirect examination:

Q. Before the Adula got to this point indicated by the cross-mark on this plat, when you first saw her, was she in a position prior to that time to see the American warships in the harbor?
A. No, sir; they couldn't see them unless they had a man at the masthead, and then they couldn't see her. She wasn't lofty enough to see over that point.
284 Mr. ERWIN: I desire the commissioners to mark the chart by which the witnesses William Ellenberg and Freeman Gill testified to as chart, attached and marked Exhibit A.

FREEMAN GILL.

Answered, subscribed, and sworn to before us this July 25, 1898.

A. E. K. BENHAM,
Rear Admiral, U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

We hereby certify that the chart of the entrance to and bay of Guantanamo, hereto attached and marked Exhibit A, is the chart referred to and used by the witnesses William Ellenberg and Freeman Gill.

A. E. K. BENHAM,
Rear Admiral, U. S. N., Commissioner.
JULIAN SCHLEY,
Commissioner.
EDGAR DENMARK,
Commissioner.

Endorsement: In U. S. district court, eastern division of so. district of Ga. United States *vs.* Steamship Adula. Prize. Interrogatories of William Ellenberg and Freeman Gill, and consent to take testimony. From sealed package from prize commissioners, opened by the court and now, July 27th, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

285 *Letter of Instructions from W. P. Forwood to Captain Yeates.*

Dictated by Capt. Forwood.

ATLAS STEAMSHIP COMPANY, JAMAICA AGENCY,
KINGSTON, *June* 28, 1898.

Capt. Yeates, S. S. "Adula."

DEAR SIR: I enclose herein a copy of the agreement under which your vessel is proceeding on, and on board the ship will be the charterer, to whom I now introduce you, Mr. José R. Solis, and I ask you to show him every attention on the voyage.

You will see by a perusal of the agreement that you are on a voyage wholly and solely for the conveyance of refugees from the ports named to Kingston.

On your arrival at Guantanamo, to which port you will proceed direct, you will find, no doubt, American warships off the port. You will, when signalled to, immediately stop and communicate to the commanding officer the voyage that you are on, and, in fact, you can show him these sailing orders, and I do not think that the commanding officer will make any trouble whatever to your continuing the voyage into the port.

You must be most careful on your arrival there not to interfere or in any way make any observation or sketches or anything that you may see or hear of, but adhere strictly to the duties of your ship.

At Guantanamo it is likely there may be some difficulty in obtaining a pilot, and if the commanding officer gives you permission to proceed it is just possible that he may be able to tell you where you can obtain the services of a pilot to go in.

From Guantanamo you will proceed to off Santiago. Here you will meet the other fleet and carry the same instructions out with them as I have mentioned to you in reference to Guantanamo. The charterer is telegraphing at once to Santiago for a pilot to come off to meet the ship, if permission is granted, to pilot your ship into the port.

From Santiago you will proceed to Manzanillo, and from thence back to Kingston.

The charterer, Mr. Solis, may order you direct from Guantanamo to Kingston or from Santiago to Kingston, and in such case you will follow out his orders, which he will give you in writing.

286 He has the option of going to the three ports, but it may be convenient for him only to go to one or even two.

The boat's crew that is mentioned in the appendix of this agreement you will provide, but it will be necessary for you to have the ensign in the stern, so as to show your nationality.

You will not allow any provisions of any sort to leave your ship at any of the ports or to do anything that is contrary to the laws of the country or that could be interpreted as a breach of faith in being allowed to pass the blockade and enter the ports, and I must ask you not to permit any of your crew to land at any of the ports, and only yourself, if necessary, to visit the British consul.

Wishing you a pleasant voyage, I remain, dear sirs,

Yours faithfully, W. PEPLOE FORWOOD,
Gen. Ag't, Ja.

Please cable your arrival & departure from each port.
W. P. F.
#2.

#10. *Agreement of the Atlas S. S. Co. with J. R. Solis.*

It is hereby mutually agreed between the Atlas Steamship Company, Limited, hereinafter called "the company" and Mr. José R. Solis hereinafter called the charterer, as follows:

That the company put at the disposal of the charterer the steamer "Adula" for the conveyance of passengers from Cuban ports hereinafter to be named, to Kingston. The ports that the vessel is to go to are Manzanillo, Santiago and Guantanamo; but it is distinctly understood and agreed by the parties aforesaid, that it shall not be deemed a breach of this agreement should the steamer be prevented from entering any of those ports from causes beyond the control of the company, but that should she be able to enter one or all of them, she shall embark the passengers that the charterer shall engage for her and proceed on her voyage.

287 If she is not permitted to enter either Manzanillo, Santiago or Guantanamo the vessel is to return to Kingston and the voyage shall be considered completed, and the charter money hereinafter referred to earned without any deductions.

The company reserve the right to refuse to take any passengers that in the captain's opinion is in such a state of health as may seriously interfere with the obtaining of pratique at Port Royal.

The passengers are to be provided with such accommodation as

the ship can offer at this moment, and are to be provided with victualling at the company's usual scale of charges, the victualling to be paid by the passengers.

The port charges are payable by the charterers, and the charterer is to provide a good and efficient Government pilot to conduct the ship safely into the ports which have been named. Should she be permitted to enter them, the charterer guarantees that the proper and efficient clearances shall be obtained for each port, so that the ship shall not be subjected to any fines for breach of regulations.

For these services the charterer shall pay the company for the hire of the vessel one hundred pounds per day or part of a day for the first ten days of the voyage. After the expiration of the first ten days, the charter money shall be at the rate of fifty pounds per day or part of a day, and it is agreed that the charter money shall count from the time the ship leaves the wharf at Kingston until she returns to the wharf at Kingston. A minimum payment, however, is agreed to of five hundred pounds.

On the signing of this agreement the charterers shall pay to the company the sum of one thousand pounds as a deposit for the payment of the charter money. The company herewith give their undertaking to the charterer that should the charter money be less than the amount of deposit, that they will refund to the charterer the balance on demand, it being always understood that a minimum payment of £500 is payable by the charterer.

288 It is understood that the company shall provide all coals, stores and crew's wages.

Signed in triplicate this twenty-eighth day of June one thousand, eight hundred and ninety-eight by the parties aforesaid.

For THE ATLAS S. S. CO.,
W. PEPLOE FORWOOD,
General Agent.
JOSE R. SOLIS, *Charterer.*

Should the vessel be stopped for repairs to machinery or through being stranded, the time she is stopped, and / or aground shall not be counted as time under the attached agreement.

The company will provide the charterer with a boat and crew for the purpose of entering any of the ports named in the agreement attached. The company will give the option to the charterer for another voyage similar to this on similar terms, providing the charterer gives the company twenty-four hours' notice after the arrival of the steamer at Kingston, the voyage to commence, if the ship be ready, twelve hours after the expiration of the twenty-four hours.

For THE ATLAS S. S. CO., LTD.,
W. PEPLOE FORWOOD,
General Agent, Ja.
JOSÉ R. SOLIS, *Charterer.*

Endorsement: Taken from sealed package from prize commissioners, opened by the court, and now, July 27th, 1898, marked filed. S. F. B. Gillespie, deputy clerk.

(Here follow photolithographs, pp. 289 to 309, inclusive.)

310 No. 270.

UNITED STATES OF AMERICA,

[Vignette.]

DEPARTMENT OF STATE.

To all to whom these presents shall come, Greeting:

I certify that the document hereto annexed is a true copy of the proclamation by the President of April 22, 1898, the original of which is preserved in this department's archives.

In testimony whereof I, William R. Day, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 27th day of July, A. D. 1898, and of the Independence of the United States of America the one hundred and twenty-third.

[Seal Department of State, United States of America.]

WILLIAM R. DAY.

311 (Blockade of Cuban ports.)

By the President of the United States of America:

A Proclamation.

Whereas, by a joint resolution passed by the Congress and approved April 20, 1898, and communicated to the government of Spain, it was demanded that said government at once relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters; and the President of the United States was directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States to such extent as might be necessary to carry said resolution into effect; and

Whereas, in carrying into effect said resolution, the President of the United States deems it necessary to set on foot and maintain a blockade of the north coast of Cuba, including all ports on said coast between Cardenas and Bahia Honda and the port of Cienfuegos on the south coast of Cuba:

Now, therefore, I, William McKinley, President of the United States, in order to enforce the said resolution, do hereby declare and proclaim that the United States of America have instituted, and will maintain a blockade of the north coast of Cuba, including ports on said coast between Cardenas and Bahia Honda and the port of Cienfuegos on the south coast of Cuba, aforesaid, in pursuance of the laws of the United States and the law of nations applicable to such cases. An efficient force will be posted so as to prevent the entrance and exit of vessels from the ports aforesaid. Any neutral

vessel approaching any of said ports, or attempting to leave the same, without notice or knowledge of the establishment of such blockade, will be duly warned by the commander of the blockading forces, who will endorse on her register the fact, and the date, of such warning, where such endorsement was made; and if the same vessel shall again attempt to enter any blockaded port, she will be captured and sent to the nearest convenient port for such proceedings against her and her cargo as prize, as may be deemed advisable.

Neutral vessels lying in any of said ports at the time of the establishment of such blockade will be allowed thirty days to issue therefrom.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of April,
[SEAL.] A. D. 1898, and of the Independence of the United States, the one hundred and twenty-second.

WILLIAM McKINLEY.

By the President:
JOHN SHERMAN,
Secretary of State.

[Stamped:] Bureau of rolls & library, Department of State, Jul-26, 1898.

312 No. 271.

UNITED STATES OF AMERICA,

[Vignette.]

DEPARTMENT OF STATE.

To all to whom these presents shall come, Greeting:

I certify that the document hereto annexed is a true copy of the proclamation by the President of June 27, 1898, the original of which is preserved in this department's archives.

In testimony whereof I, William R. Day, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 27th day of July, A. D. 1898, and of the Independence of the United States of America the one hundred and twenty-third.

[Seal Department of State, United States of America.]

WILLIAM R. DAY.

313 (Blockade—Southern Cuba and San Juan, Puerto Rico.)

By the President of the United States of America:

A Proclamation.

Whereas, for the reasons set forth in my proclamation of April 22' 1898, a blockade of the ports on the northern coast of Cuba, from

Cardenas to Bahia Honda, inclusive, and of the port of Cienfuegos, on the south coast of Cuba, was declared to have been instituted; and

Whereas, it has become desirable to extend the blockade to other Spanish ports:

Now therefore, I, William McKinley, President of the United States, do hereby declare and proclaim that, in addition to the blockade of the ports specified in my proclamation of April 22, 1898, the United States of America has instituted and will maintain an effective blockade of all the ports on the south coast of Cuba, from Cape Frances to Cape Cruz, inclusive, and also of the port of San Juan, in the island of Porto Rico.

Neutral vessels lying in any of the ports to which the blockade is by the present proclamation extended, will be allowed thirty days to issue therefrom, with cargo.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-seventh day
[SEAL.] of June, A. D. 1898, and of the Independence of the United States the one hundred and twenty-second.

WILLIAM McKINLEY.

By the President:
J. B. MOORE,
Acting Secretary of State.

[Endorsed:] J. Boyd. President's proclamation of blockade.
[Stamped:] Bureau of rolls & library, Department of State, Jul-26, 1898.

314 *Agreement of Counsel as to Certain Letters.*

It is agreed that the following letters, numbered 9, 12, 13, 28, 29, 30, 31, 32, 36, 40, 41, 43, 44, 45, 48, 50, 51, 52, 53, 54, 55, 56, 67, 146, and 147, and numbers 8 and 13 of the record relate solely to commercial and domestic matters, and that they be abridged as follows, the same being a correct statement of the correspondence found on board the Adula, but not copied out in full, and that the same may be used in evidence for either party in lieu of sending up either the originals or copies.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimants and Appellants.
WILLIAM R. LEAKEN,
Assistant U. S. Att'y, Proctor for Libellant.

315 No. 9. Letter to Senor D. C. Vidal & contents, consisting of other letters written in Spanish, May 27, 1898.

No. 12. Letter to Sr. Edwardo de Cardena, June 22, 1898 (Spanish).

No. 13. Letter to Sr. Enrique Lauten, Plaza de Armas, Manzanillo, isla de Cuba (noted on envelope, "Kindly forwarded by Sr. Solis"), written in German, dated June 23, 1898.

No. 28. Letter from E. Divi to Sr. D. Cay I° Vidal, June 28, 1898 (Spanish).

No. 29. Letter to Sr. Solis from I° Vidal, June 28, 1898 (Spanish).

No. 30. Documents, passage del Emanuel Raul; contents, Nos. 30, 30*a*, &c., to 30*k*, both inclusive, dated 17th May to June 4th, 1898 (Spanish).

No. 31. Letter to Sr. Don Cayetano Vidal & contents, 31*a*, 31*b*, June 28, '98.

No. 32. Letter to Messrs. Schuman & Co. & contents. Noted on envelope, "Kindly forwarded by Mr. Jose R. Solis," including two letters unopened, addressed "Sres. Schumann y Ca., Santiago, Cuba," with notice attached by U. S. Gov't that "Despatch to Spain or Spanish colonies prohibited on account of war," dated New York, Ap'l 21, 1898, the whole stamped from Finke & Co., Kingston, Jamaica.

No. 36. Ship "Adula's" register (endorsement of Lieutenant Anderson on page # 317).

No. 40. Letter to Senor Don Francisco, Accor (enclosure), June 18, 1898.

No. 41. Letter to Capt. P. M. Beal, June 13, 1898, with enclosures of accounts current (Spanish).

No. 43. Letter to Messrs. E. Atkins & Co., May 23, 1898, with accounts current enclosed.

No. 44. Letter to J. N. S. Williams, c. o. Messrs. E. Atkins & Co., June 13, '98, with another letter enclosed.

No. 45. Letter to E. Atkins & Co., with accounts current, etc., enclosed, dated June 8, 1898.

No. 48. Letter to Sr. Lacelles de Mercado y Ca., with enclosures, J'e 18, '98.

No. 50. Letter to Miss Caridad Esteran, # 148 W. 98 St., New York, J'e 14, '98.

No. 51. Letter to Miss Lena Spencer, Sussex, England, May 27, 1898.

No. 52. Letter to Sr. Don Julio Forrablas, Kingston, Ja., June 18, 1898.

No. 53. Letter to Mr. Fran *at* Bastarrethe, 115 W. 95 St., N. York, J'e 15, '98.

No. 54. Letter to Mrs. O'Naghten, 202 W. 136 St., N. York, June 17, 1898.

316 No. 55. Letter to Charles D. Fowler, Kingston, Jamaica, with 7 sealed letters enclosed, dated June 19, 1898.

No. 56. Letter to Charles D. Fowler, Kingston, Jamaica, June 13, 1898, with 5 letters enclosed.

No. 67. Letter to Sr. D'n Carolina Alonzo, June 15, 1898.

No. 146. Manifesto of cargo of Adula, May 10, 1898.

No. 147. Letter to F. R. Solis from P. H. Bocler, May 11, 1898.

No. 8. Letter addressed to Don Plicaido R. Cespedes, care Jose Solis, dated June 5, 1898.

317 #36. *Extract from Ship's Register.*

Endorsements made by Lieut. E. A. Anderson.

Guantanamo bay, Cuba, U. S. "Marblehead," Commander B. H. McCalla, comm'd'g.

Visited the "Adula" June 29th and searched holds for contraband of war; mustered crew and inspected ship for persons not on crew's passenger lists; visited ship Adula again on July 1st and inspected her for parties in excess of crew and passenger lists; seized all papers belonging to Mr. J. R. Solis, charterer, and ship's papers.

E. A. ANDERSON,
Lieutenant U. S. N.

Off Cienfuegos, Cuba, U. S. S. "Marblehead," May 9th, 1898.

Delivered copy of proclamation of President of United States declaring blockade of north coast of Cuba, including ports on said coast between Cardena and Bahai Honda and the port of Cienfuegos, on the south coast of Cuba.

E. A. ANDERSON,
Lieutenant U. S. N.

318 *Agreement as to Extracts from "the Gleaner" Newspaper.*

It is agreed between counsel that the following extracts from the Daily Gleaner, a newspaper published at Kingston, Jamaica, of the dates of June 14th and June 25th be placed upon the record in the place of the whole and entire papers found upon the Adula by Lieutenant Anderson and numbered in the record as documents numbers 153 and 154.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimants and Appellants.
WILLIAM R. LEAKEN,
Assistant U. S. Att'y, Proctor for Libellant.

319 *Extracts from the Daily Gleaner (Published at Kingston, Jamaica,) Tuesday, June* 14, 1898.

The war a joke.

The editor of the Gleaner.

SIR: By the telegrams published I cannot but think that the war between Spain and the United States is one of the greatest jokes on record. It is all fun on one side and death on the other; but for the chivalry displayed it would be monotonous.

I gather from one of the latest telegrams, given briefly, that something like this must have occurred after the sinking of the "Merrimac" with coal in the harbour of Santiago:

Admiral Cervera (seeing a boat with men rowing towards his

ship): "Come on board, gentlemen; I am most happy to make your acquaintance; consider yourselves our guests and friends."

Hobson (one of the leaders): "Thanks, Admiral. It has been a very unfortunate occurrence that we have to trouble you."

Admiral Cervera: "Not at all; not at all" (calling for Capt. Bristament). "Come here, Captain. Take this letter over to my esteemed friend, Commodore Schley" (which was as follows):

"MY DEAR COMMODORE: This will be handed you by Capt. Bristament, with the information that eight of your brave fellows are with us, not as prisoners of war, but as friends, and will be treated as such.

Yours very affectionately, CE-VERA,
Admiral Spanish Navy."

Commodore Schley, on receiving this epistle, thanked the Admiral very much for his kindness, and invited Captain Bristament
320 to witness a review of his fleet, which he accepted, and was highly pleased at the quickness of the Americans. He left, after bowing himself off the American flagship.

I suppose the next we will hear is that Commodore Schley intends giving a ball on board of the flagship, and that Admiral Cervera and officers will be invited.

I am, etc., GEO. P. DELISSER.

At Fort Antonio.

"Saturday.—The Wanda and Triton, despatch boats, brought news this morning of the landing of a portion of the troops sent to attack the Spanish forces at Santiago and its provinces. According to the cable message of Thursday, General Greely permitted the correspondent of the Standard to publish that 27,000 troops were to be transported to Santiago. The cable gave a summary of the strength of the invading army, which shows that a most formidable force was to be landed. The Spaniards have not more than 7,000 troops around this portion of the island, and, as there is no communication by rail from Havana to Santiago, the only possible way for the Spaniards to augment their forces is by ship. This also seems prohibitory owing to the presence of the United States squadron in the neighborhood and the number of vessels employed as scouts along the coast. To attempt to march to Santiago would be a foolhardy job. At the best the country is not provided with other than bridle tracks. The unsurmountable obstacles in the shape of mountains, whose altitude is lofty and steepness indescribable, at once preclude them from attempting it, while at the present time the seasons of rain are at their worst. The most daring and zealous general would halt rather than risk the lives of the men to do battle with
321 the elements. The Spanish troops will therefore be entirely cut off from reinforcements; such is the state in which the troops find themselves, and from the account given by the insurgents some of them have deserted and are now enlisted in the Cuban army.

The first transport arrived off Caimanera on Thursday night and with considerable ease landed 800 marines. There was no opposition to the landing; not a single Spaniard showed himself; the place was deserted, and one of the first acts of the officer in command was to burn down a few houses; he said because of their unhealthy appearance. The men were all in a most happy state of mind on Friday evening, and were discussing in a cheerful spirit the work they were soon to be engaged in, when firing was heard near by, which at once told them of the presence of the enemy. The enemy had come unobserved, and, taking advantage of thick growth of trees, crept stealthily towards some men who were stationed as pickets. There was a good deal of firing. The outpost, realizing their position, ran to the camp and reported. A company was immediately sent off to chase the intruders away. This they succeeded in doing without any apparent loss on either side, except one of the outpostmen, who has not returned to camp and is supposed to have been shot when surprised.

The landing of the troops was to have been concluded Sunday, when active operations were to begin."

Latest Telegrams.

The "Twickenham."

NEW YORK, *June* 13.

"A despatch to the Herald from St. Nicholas, Hayti, says the 'merchantman' captured by the auxiliary cruiser *at* St. Louis just off Morant point, Jamaica, last Friday night was the Br. Str. 322 Twickenham, on board of which are 3,200 tons of coal for the Spanish fleet. She has been sent as a prize to Key West.

The captured collier is a long steamer, which went first to Martinique, expecting to effect a junction with Admiral Cervera's squadron at that island.

The fleet had departed before her arrival, and she was detained there as a suspicious vessel by the French authorities. Word was brought to Admiral Sampson that the 'Twickenham' had left Martinique on Wednesday. The 'St. Louis' was immediately dispatched to intercept her. Not twenty miles out of Kingston, on Friday night, the 'St. Louis' fell in with the 'Twickenham.' The captain of the collier, seeing flight was impossible, hove to and was boarded by a boat's crew from the St. Louis. The British captain at first made a vigorous denial that he was carrying coal for the Spanish fleet. The vessel was searched by the men from the St. Louis, and in the fire-room a man in overalls was found who only spoke Spanish. After a vigorous cross-examination by Captain Goodrich, of the 'St. Louis,' this man admitted that he was a Spanish officer in charge of the cargo.

On the approach of the 'St. Louis' he had thrown his papers and commission overboard. He appeared to be badly scared at the way things had turned out, and he was sent as a prisoner of war to Key West on board the captured steamer."

Will Show Fight.

LONDON, *June* 13.

"Rear Admiral Sampson's acquisition of a base for coaling and supplies at Guantanamo is universally recognized as practically sealing the fate of Santiago. It is believed that the Spanish troops will show a good fight before the city is captured."

323 "It is reported in New York that 800 American sailors landed on Friday to the west of Caimenara bay under the protection of warships, while the 'Marblehead' opened fire on the arsenal and telegraph office, which was defended by a Spanish infantry regiment. According to the Herald, the shots completely destroyed the French cable office, the Spaniards being obliged to decamp. The Americans seized the railroad and the colliers in the harbour. The telegraph office was completely destroyed and was found deserted."

"A despatch boat off Santiago reports that the Americans now hold thirty-five miles of the coast east of Santiago, including Guantanamo harbour, and that 20,000 Spanish troops at Santiago are preparing to desperately resist the Americans, who have landed for the rebels 3,000 rifles, 300,000 rounds of ammunition, and large stores of provisions."

324 *Extract from the Gleaner, June* 25, 1898.

"The Benito Estenger" sails.

The British steamer Estenger, Captain Perry, which was loading for the past week at Mr. Orrett's wharf, sailed at 9 o'clock on Thursday night under the British flag for the Cuban coast. It will be remembered that the Benito Estenger came into this port some time ago flying the Spanish flag, and that her register was changed to British. She took a cargo of provisions, of which the following is a list: 10 packages of coffee, one package of aerated water, 1,000 barrels of flour, 30 butts fish, three packages bacon, two trs. ham, 200 packages kerosine oil, 82 bags rice, 15 barrels beans, 19 packages onions, 20 brls. meal, 480 bags corn.

Captain Cole, who is well known here, sailed as captain of the vessel under the new register. She cleared for Manzanillo and Trinidad de Cuba, and the provisions were ostensibly taken on board for the starving and distressed people at the ports.

Good Cuban authority alleged that the provisions are not intended for the poor folks at all, but for the Spanish troops. On board the Adula, which arrived from Cienfuegos this week, there was an individual officially appointed by the captain general in Cuba to make arrangements in Jamaica for regularly supplying the Spanish troops with provisions—in fact, to make Jamaica a base for Spanish purposes. This gentleman's name was given us as Ramon Pastora. He is accompanied by two pilots who know the south coast of Cuba perfectly. The Benito Estenger's mission to the Cuban coast, is then,

we understand, an outcome of arrangements by Senor Pastora for supplying the Spanish troops. It is stated that the cargo of the Estrenger will be landed at Manzanillo, taken them to Tunasdezeaza, from there to Cienfuegos, whence it will be sent across the island to Havana.

* * * * * * *

A London telegram states that the report that the Spanish fleet had returned to Cadiz is now confirmed.

Despatches from Cainmera report that the Texas and Marblehead on Wednesday evening commenced firing on the town, sending electric projectiles to watch the movements of the Spaniards.

The Americans believe they will soon be masters at Santiago de Cuba.

154.

325 1898.

U. S. T. B. Porter	J. C. Fremont, lieut	July 28th.
U. S. T. B. Ericsson	N. R. Usher, lieut	July 23rd.
U. S. S. Marblehead	B. H. McCalla, commander	Aug. 15th.
U. S. S. Annapolis	J. J. Hunker, commander	" "
U. S. S. Solace	A. Dunlap, commander	" "
U. S. T. B. Rodgers	J. L. Jayne, lieut	" "

The foregoing claims of officers and crews of the above-mentioned United States war vessels were filed with the price commissioners asking for participation in the Adula prize money.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimant and Appellant.
WILLIAM R. LEAKEN,
Assistant U. S. Att'y, Proctor for Libellant.

326 464. *Bill of* (coat of arms of Great Britain) *Health.*

PORT OF KINGSTON, JAMAICA.

I hereby certify that the S. S. "Adula," commanded by Captain Yeates, is about to sail from this port of Kingston, Jamaica, bound for Manzanillo, Guantanamo, and Santiago, with a crew of 35 men, captain included, and — passengers.

I further certify that at the time of granting this document no plague nor any other contagious or infectious disease prevails in this port or its vicinity.

In testimony whereof I have hereunto set my hand, at Kingston, this 28th day of June, 1898.

JNO. M. STANSON,
Secretary Central Board of Health.
VIST.

Endorsed in Spanish.

327 *No. 6. Personal Passport of Mr. José R. Solis.*

Isla de Cuba. No. 12. Ano de 1896. 009,012.

Cedula personal. 9a. Clase, 1 peso.

Provincia de Stgo de Cuba 50 por 100 de recargo municipal
Blco 50 idem idem provincial.

D. José R. Solis Vazquez natural de Sto de las Vegas provincia de la Habana, de 44 años de edad, de astado casado y profesion comercio habita en calle Marina numero —, y reside habitualmente en id empadronado al numero.

En Manzo. 13 de April de 1897.

En interesado, P. o El Secratario.

NICOLAS TANSONY.

328 *Translated Copies of Telegrams.*

14. June 11, 1898. Alfonso Martinez to Solis.

From Alfonsa Martinez, Myrtle Bank hotel, Kingston, June 11, 1898, to Solis, Paynes lodgings, Montego bay.

Charter "Ramona" condition that she come to this port.
You must come at once.
(Signed) MARTINEZ.

16. Telegram from *from* Sam'l Hart & Son to Solis, June 21, 1898.

From Samuel Hart & Son, Montego bay, to Solis, Myrtle Bank hotel, Kingston.

Goods all aboard, yarns plantains tomorrow morning, Millar says must go to sea tomorrow; will be ready to leave at 9 o'clock; wire your instructions if he must wait.

17. May 7, 1898. From Bori, St. Ann's bay, to Perez, for Solis, 68 Queen street, Kingston.

We are assured that you will be seized by American vessels in case vessel carries provisions to Cuba.

23. May 5, 1898. From Bori, Kingston, to Solis, Chacon house, Montego bay.

There is no ship here; is it worth while to go to Lucea to try and get a schooner? Let me know tomorrow.
I will leave St. Ann to look for a vessel.

24. June 18, 1898. From Samuel Hart, Montego bay, to Senor Solis, Myrtle bank, Kingston.

Schooner Amethyst here, 40 tons, cannot agree. Flenruch shall engage her for you, you must wire promptly.

329 # 15. May 5, 1898. From Bori, Kingston, to Solis, Chacon house, Montego bay.

Let me know if schooner leaves St. Ann today. Tomorrow I go to said port. Answer at once.

18. June 26, 1898. From Marconelrn, Kingston, to Solis, Montego bay.

A friend of yours asked me to tell you to come Monday without fail.

#19. From Carbajosa, St. Ann's bay, June 14, 1898, to Solis, Chacon house, Montego bay.

I am awaiting vessel, will arrive tomorrow to load her here. I will leave for your port right after. We will clear the Emanuel from (Falmouth) Falmut. Offer Mr. Nuries vessel called Mabel Howard for £150. I believe it will be convenient that you see him, advising me by wire whether he considers the purchase. She is 140 tons. I think that she is leaking.

20. From Carbajosa, St. Ann's bay, June 21, 1898, to Solis, Myrtle Bank hotel, Kingston.

If you know positively that they suppressed duties see today brig Schulte, and try to put the cargo, payment there. On the contrary case inform them that they will have to pay me two per cent. commission.

21. From Samuel Hart & Son, Montego bay, June 20, 1898, to Solis, Myrtle bank, Kingston.

Too late schooner despatched, will look for another. Your arrival will clear him by the time you come. We are offered the schooner Ocean Flower, 40 ton, sixty pounds; do you care to have?

22. From Carbajosa, St. Ann's, June 14, 1898, to Solis, Chacon house, Montego bay.

Do not go to Kingston I leave today for your place (Montego bay). We will load the Emanuel immediately. Look for me tomorrow, early.

330 # 25. From Carbajosa, St. Ann's bay, June 14, 1898, to Solis, Chacon house, Montego bay.

Go to Kingston, we will meet Friday. Leave Montego in charge for the collection of vegetables for the Emanuel. Other merchandise will be from the warehouse; that she may be cleared Monday.

26. May 9, 1898. From Bori, St. Ann's bay, to Solis, Chacon house, Montego bay.

Letter received. Light judgments mistaken the money will come back (return). Disposed to send cargo. I look for you tomorrow to prepare shipment.

331 # 5. *Letter Addressed to Sr. Leonardo Ros.*

(Translation.)

No. 5.

ESTEEMED FATHER: I have been here since the 17 inst., as you have already learned by mother's cablegram to you. I decided to come here to spend some time with the family because I had nothing to do after the harvest.

Salvador made my account at the rate of $100, silver, p'r month, which only makes $40, reduced to gold, making therefore $240, gold, for the six months. Out of that amount I had to pay $140 for the trip to New York; to Oswaldo Ros for bill, $33; this for my teeth, and $50 for my trip here, leaving me, therefore, with only $17.

The salary that I receive here from Salvador is not up to the amount of work that I am doing, and I wish you would advise me whether or not to continue, for I am spending bad nights for a mere pittance, and I really believe that there is no future whatsoever in the business in which I am engaged.

I cannot say more about this for want of time. I am sorry that I am not able to talk to you about this matter (business). As soon as things are settled I will avail myself of any opportunity offering to go there. I left Leonardito and Maria in perfect health.

Without time for more, I say good-bye.

Your son, MANUEL ROS.

P. S.—I hope that you understand this. I have no more time; the steamer leaves immediately.

M.

332 # 33. *Letter to Senor Leonardo Ros'y Rodriguez.*

(Translation.)

No. 33.

KINGSTON, 28*th June*, 1898.

DEAR COUSIN PEPE (JOSEPH): We are in receipt of your letter of the 17th inst., by which I see the condition of Cuba at that date.

I suppose that on the same day of the sailing of the Adula you received a letter from Guillermito (Willie) by a French man-of-war that came whilst she went out, which I learned by some of the man-of-war's passengers. I am writing in a hurry, as it is 10 a. m. and the steamer leaves at 11.30.

By a cablegram from father I learned of poor Pepe's death. It is

better for him to have died than to be alive and always suffering, for there was no possibility of his getting well from his illness. Manuelico has been here about a week. You ought to know this by a cablegram we sent to father. He intends going to Cuba if the war ends before October, which I expect; otherwise we will go via Hayti.

I regret that I have no time in which to give you details of this place, though I have many; but I am writing in a hurry and cannot put my ideas together.

Tho' life here is tiresome, I cannot complain, for there are many girls here from Cienfuegos and Havanna and one can be amused, especially as we can take the girls out without having their parents or some member of the family to chaperon them, as it occurs with you.

We hear that the war will end soon; but I cannot say anything about it, because it is not allowed, the correspondence being private. I can only say that we shall soon see each other.

R. Sierra's wife died a few days ago. We must always have quinine here on account of fever. At Magdalena's house
333 every one is sick in bed. Tell Manolo that he has not written me a word. In case of an opportunity by which you can answer me, you can do so through father, for letters will not be brought by mail. When you write tell me all about things there, as I am anxious to know. Excuse faults. Without more time,

Your cousin, RICARDO.

Attached is an envelope marked "Sor. Don Leonardo Ros'y Rodriguez—para entregar à Don Jose L. del Castillo y Colas (hijo) Santiago de Cuba, Cuba."

334 #34. *Letter to Senor Jose Marimon from O. Fons.*

(Translation.)

KINGSTON, *June 28th*, 1898.

Sr. D. Jose Marmion, Cuba.

ESTEEMED FRIEND: After six weeks of having been unable to write to you on account of the presence of the American squadron before that port, today I am told with great secrecy that Mr. Solis, of Manzanillo, with the steamer Adula (English) is going to run the blockade to carry provisions or take out passengers. I take this opportunity with great pleasure of hearing from you and of my house. We know no other news here than that from American sources. Otherwise this town is very tranquil, and everybody respects us, as we mix with no one.

I have just received a cable from Vias, in which he says, "Order Marmion to remit by cable existing funds." If there is any one here that remits by cable, I will be greatly obliged to you if you comply, or, on the contrary, remit to me through Mr. Solis (or passenger in your confidence) all our funds you have belonging to our house, either in checks on England, France, or Spain, or in gold.

In view of the fact that the war is being prolonged, we have decided with my wife and Givi to go to Europe on the steamer leaving July 5th, on which also leave several merchants from Cienfuegos and Habana that are here.

As I suppose, the stock in hand of my house has been exhausted. I believe you must have closed the store to save expenses, retaining Angel to collect the rents and because we desire to retain him in case of being able to return to work when this cursed war is over.

I also think you must have closed my residence and stored
335 my furniture at the store.

Vias is trying to arrange with Beuwo the reduction of the rent during the time the store is closed on a basis of 3 onzas a month, which is the amount Lescaille Grimany pays.

I do not believe what you tell me about the draft of Puig, of New York, as it is not credible if you had arranged it in the manner you told me in your last cable. In the first place, I have left instructions to Angel not to remit said draft without word from me or Vias. Indeed, I do not know if he sent a draft of nearly three hundred pounds to Liverpool, of which there was not time enough to hear from, besides there was a difference of half a dollar in the price of bacon, and finally, as it was a bill on the other side, by common consent with Vias, we did not think of liquidating it until everything had been settled. Moreover, by the American papers we know officially that in the United States they do not send any letter that goes or comes from Spain, and in virtue of which Spain will not send those going to the United States; so that if you sent the draft by mail try to get it back by all means at your disposal, for in addition to our not wanting to send it, it runs a great danger of not reaching its destination.

If it is possible, send me by the bearer one hundred cigars and two hundred boxes brown pectoral cigarettes and some papers. Send me news of all of yourselves, of the families of Gran and Juan; Perez, the partner of Vinas Parramon y Co., and of my cousins, Lorenzo and Paco. Remember my wife especially to the families Gran and Juan Perez, of whom she often thinks. Say to Grauthat is he desires to send his family to Europe, to send them here, for, as I said before, we leave on July 5th and they can go with us.

As we do not know if the bearer of this will be able to
336 enter, I would be greatly obliged to you if on receiving this you send me a cable saying "arrived," for my tranquil-ity, and if on the contrary I will cable you that of Vias and another of my departure.

My regards to all, and especially to Juan Gran and Angel Besoln, and yourself what you wish, from your true friend,

O. FONS.

I do not write more and I do not write to Angel, as I have not been given over half an hour.

337 # 35. *Letter to Mr. Adolphe J. Corivaldi.*

MONTEGO BAY, JAMAICA, 15 *June*, 1898.

A. J. Corivaldi, Esq., Kingston.

MY DEAR ADOLPHE: This serves to introduce to you Mr. José R. Solis, who came recommended to me from Manzanillo de Cuba. We have had some business together on a former voyage, and I have found Mr. Solis all that he was represented to be. He goes to Kingston with his friend, Mr. Carrahosa, and they may require legal assistance there. I have therefore recommended them to call on you for this purpose should they desire help. It appears Mr. L. L. Fraser made a sale to one of their partners, Mr. Boei, and has received payment, but not made delivery, or it may be there has been some *mala fides* on the part of Mr. Boei as well. At any rate, they will instruct you fully themselves possibly and make direct arrangements with you as to their requirements.

I will appreciate your attention to them and remain

Your affectionate bro., S. G. CORINALDI.

Attached to this letter is an envelope marked "Adolphe J. Corinaldi, Esqr., 9 Church street, Kingston."

338 # 42*a*. *Letter to W. G. Beale.*

CENTRAL SOLEDAD, CIENFUEGOS, CUBA, *June* 17, 1898.

W. G. Beal, Esq., 54 Bushnell street, Boston, Mass.

MY DEAR MR. BEAL: Enclosed please find your ac. with this estate to May 31, 1898, with balance to your credit of $5,617.39, which I trust you will find in order.

You will, I know, be glad to see by these lines that we are still doing business, and, though the end looms up largely in the not very remote future, we still have enough to satisfy the cravings of the inner man. What a surprise this has been to everybody! It was confidently stated and as confidently believed when war was declared that 15 to 20 days was the limit of the existence. Here we are two months without anything entering, and it is said we can hold on for another month.

Your patana is doing a big business transporting war materials to Castillo, though I am afraid there is not much except glory in it for you. The Ramona also has always a full passenger list, but mostly "deadheads."

Pepe keeps as cheerful as ever and seems to get along very well with his mayodomo. I do not hear any "kicks" now.

I wanted to write to the Capt., but I am afraid I cannot this mail. Perhaps you will tell him from me that I have put the Gubairo force on our list as part of the armed guards of Soledad. It is only a matter of form, but was necessary, as the Capt. had no arms or ammunition and had to be supplied from here. I regret

to say the Gubairo fields are in a terrible condition. The
339 late fire has quite ruined very many canaverals. The lands on the upper side of the brazo line are quite ruined and will have to be replanted. The others where the fire passed over them are full of grass, and if you see any prospects of an early settlement of this war they should be cleaned at once or as soon as possible.

I find I have time for a line to the Capt., and I will ask you to be kind enough to forward it. With kindest regards, believe me to be

Yours very sincerely, L. T. HUGHES.

340 #42*b*. *Letter to Capt. P. M. Beale.*

CENTRAL SOLEDAD, *June* 17, 1898.

MY DEAR CAPT.: I have done a big pile of writing today, but I find I can still spare energy enough to write you a few lines. You will, I have no doubt, have an opportunity of wading through the 18 pages I have written to E. A. & Co., so I will not trouble to repeat what I have written there. You, I know, will not be sorry or very surprised to hear that Vilarino has left here. He has no good will for me, I know, but it does not keep me awake at nights. We have a very excellent man now, and he is making the men stand round in great shape. Vilarino has left the estate, bag & baggage, oxen, carts, and cows, and if he can do us any harm no doubt he will, but we are not worrying about him.

A week ago, when I was in Cienfuegos Innocente, he told me that Vilches had 2 yoke of your oxen in the "hippodrome" in Cienfuegos, and I went to see them and met Vilcher there. I asked to see the oxen and recognized them as some that had been in Soledad with your bueyada. He said they were his and had been all the time in Rosario and had never been in Soledad. I went to Cacicedos, and he met me there later, and we agreed that until I could see Posada he would not remove the oxen and I would advise him through Mr. Sacicedo. On arriving here I telephoned Posada, but could not clearly understand his explanation, so suggested that he go and explain the circumstances to Cacicedo, which he did next day to, I believe, Mr. Cacicedo's satisfaction. Posada told me later that the oxen were some you exchanged with Vilches, and that they were here with your bueyada to try and save them, but he did not like to tell me about them. Then when one day he took away
8 yoke for a convoy he did not return these 2 yoke, but left
341 them in Rosario for Vilches to take away; so the matter ended. I would not have been so suspicious about the affair if Vilches had not said that the oxen had never been in Soledad with your oxen, as I was certain one of them had.

I met Rose in town one day. She was very well and said everything was all right round the house. Mirazo has been very ill in the hospital for some weeks, but returned to the Colonia a few days ago, and, while he is not well, he is much better than he was. I took 10 long Remingtons over to Gubairo this week and a box of ammunition. They now have 17 arms there and over 3,000 rounds

of ammunition, so are well provided. Posada has made a fort of the casa de maize, and it is a great safeguard for the houses. He has cut down the platonal, as the rebs. were going there every few nights. Since then they have not fired a shot.

We are having a very wet spring. We were fortunate in getting our plantings in early, and they are coming along very well.

The Colonia is in a very bad way, and I strongly advise you to clean if you see any hope of a speedy settlement, even if you only clean the best canaverals. Send me a wire when you get this, and if you wish to do any cleaning I will do all I can to help. I hope you are having a good rest and not worrying about things.

With kindest regards to your son, who no doubt remembers me, and yourself, believe me

Yours very sincerely, L. T. HUGHES.

Attached to this letter is envelope marked "Capt. P. M. Beal, c. o. Mr. Walter G. Beal, 54 Bushnell street, Ashmont, Mass., U. S. A."

342 # 49. *Letter to Mrs. Henry Jenkins.*

CENTRAL SOLEDAD,
CIENFUEGOS, CUBA, *June* 14, 1898.

MY DEAR SISTER: I cannot thank you for your many letters rec'd because I have not rec'd them, though I have no doubt you have written several times in the past 2 months, but I do thank you, Dearie, for your cable, "every one well;" it came at a time when I was very "blue" & very effectively cheered me up. I had sent two cables previously to Jack, but could not tell whether he had rec'd them, so I thought I would try you direct, and the result was a happy success. I do not mind half so much the unpleasantness of the situation, now that I know you are all well and that we have still a means of communication open. Cables are expensive, but yours was well worth what it cost.

Well, the time goes on, and we are still in the same position; as far as we know here, the situation is quite unchanged and so far there is no sign of any finish. There has not been any fight at all that we know of. The Yankies have been round the different ports and have done a lot of shooting, but the most miserable exhibition of gunnery; at the forts outside here they fired over 500 cannon-shots one day and only managed to tumble down the light-house, but utterly failed to silence the shore batteries. The noise was tremendous, & though we are at least 15 miles off we could feel the earth tremble with every discharge, and even the small guns were plainly heard. The total result of all that for their side was 7 men wounded; it has been the same everywhere, tremendous firing & no results; a great number of the Yankie
343 shells do not burst and are found all over the place unexploded; others explode hours after they have been fired. I have seen some that have been picked up, beautifully made but apparently defective. Truly the Yankies are a wonderful people. Unfortunately for themselves, they are just a little bit too

clever; this defect of their shells is really a very serious thing for them. Just think what would have happened to them if they had gone to war with us two years ago, as they wanted to. This is a severe lesson to them, as, if they do win in the end, Spain will spin the war out to a much greater length than the Americans expected, and the latter will not or are not having the walkover they confidently and bum-tiously expected. For us the worst of the situation is that we are getting short of provisions & the Yankies will not let any come in. They are trying to starve the island into submission. This hits the thousands of poor people who had hard enough times to live before this very hard, and the misery among the poor is already terrible; for the rich & *and* for the soldiers there are supplies yet for some time, but thousands of poor people will starve to death in the next month if matters don't change very soon. The very people that the Americans professed to have so much sympathy for and for whose sake they were going to drive the Spaniards from Cuba will in their dying agonies of starvation curse the Americans as the author- of all their troubles. I am doing what little I can for this district. I have had nearly 200 people employed all the time, and the little money they have been earning has helped to keep this neighborhood from suffering the distress already felt in other parts, but I will soon have to stop and save what food supplies we have for ourselves and for the soldiers we have to keep on the estate to keep away the insurgents, who to show their
344 "gratitude" to the Americans would otherwise burn us out and maltreat our people, as they have done on other American estates.

MacKinley & his gang of bandits will have to give a terrible reckoning some day for this most uncalled-for & wanton war and their manner of carrying it on.

You will be glad to hear we remain very quiet here. There are quantities of soldiers in the neighborhood, and I have some officers to breakfast or dinner very frequently. They are all most kind, and we have not suffered any inconveniences from the war to mention. On the contrary, I have been the recipient, as Mr. Atkins' representant, of great attention. There was a general order to collect all the horses for use of the troops, and while the country round has been scoured for horses they have not taken any of ours. In fact, one that was taken by an overzealous under officer was immediately returned when the colonel of the district came to hear of it. Of course, if this continues very much longer, horses & cattle will all have to go; but so far we have been quite unmolested.

We are having a splendid spring for cane-growing; rains every day & a good hot sun. The fields are looking better than I have seen them before, and promise a very large crop next year, if we are able to make it. I have just finished planting about 200 acres of new cane, a larger planting than they have made here in the spring before; but people were very plentiful and glad to work for low wages & their food.

I get a cable from Mr. Atkins nearly every week and send him one in return. That is our only means of communication open,

except an occasional steamer calling for passengers from Jamaica, such as this opportunity. I have not had a letter from outside the island for nearly two months now. The Br. steamer "Adula"
345 from Jamaica is due here tomorrow to take passengers. I propose sending this & other letters by her, but there is no hope of her bringing a mail. The last time she came she brought a file of Standards to May 2. I managed to get them and read them through, advertisements and all. I hope to get another batch tomorrow. Dear old sister, how much I wish I could look forward to having a letter from you to know how you all are, and especially my two dear little darlings, Enid & "No. 2." I have not been able to hear yet what her name is. Tell Enid her uncle often thinks about her & wishes he could have one of her sweet kisses; that she must be a good girlie & take lots of care of her daddie, mammie, & little sister. She must be getting a big girl now. I suppose the Williams family are enjoying themselves in Victoria by now. I wonder how poor old Gustus is getting along. I hope he has found some suitable work to do. I am glad he did not come out here. One is enough in this mess.

Soon after you receive this Lena will be getting her holiday, and I hope she will be able to give you the pleasure of her society for part of them. Poor little girl, she has been worrying a bit about her "Novio." I have no doubt but when you all get together you will just have to brace each other up. You see I am considerably conceited to take it for granted that you all are thinking about your boy, but I know you are often. Perhaps if I had known how much I had to go through I would not have stayed here, when I had the chance to get away, but I would not have done my duty if I had run away. As long as I can hear from you sometimes I don't mind much. This won't last long, and there will be good times here when it is all over.

Another sheet & I must stop. I have written 14 pages to Mr. Atkins and still have more to write.
346 I don't think I shall have time to write home by this steamer, but this is such a general letter that it will do to go round, so they will excuse me, I know, as another letter could only be a repetition of this. There is nothing of interest to write about.

I owe the Doctor a letter, & it lies very heavy on my conscience. If you see him or Mrs. Evans give them my best 'spects. I would give a double physician's fee for one of the Doctor's racy letters just now. Well, I must draw this to a close. My love to dear dad & mother, who are, I hope, keeping well. Dad will be busy with his harvest soon. Now, tell him not to go & work & get hay fever, as usual. To Miss Con, to whom I owe a long letter, that I will try & pay off next steamer; to Henry, ask him if he has found that joint farm we are to take together next year, and to you & yours, my darling old sister.

God bless & take care of you all.

Your affectionate brother, FLEW.

JUNE 17.

Mail leaves tomorrow. Nothing new. Wish I was going inside this.

Attached is an envelope marked "Mrs. Henry Jenkins, Greenfield House, Canton Cardiff, South Wales, G. B."

347 # 61. *Clearance Papers of Steamship "Adula" from Kingston, Dated June* 15, '98.

Port of Kingston. 1935. No. 119.

These are to certify, all whom it doth concern, that Wm. Walker, master or commander of the S. S. Adula, burthen 372 tons, mounted with no guns, navigated with 36 men, British built, and bound for Cienfuegos, Cuba, having on board stores & ballast, hath here entered and cleared his said vessel according to law.

Given under my hand, at the custom-house, at the port of Kingston, in the island of Jamaica, this 15th day of June, one thousand eight hundred and ninety-eight.

[Seal "Collector of Customs, Kingston, Jamaica."]

A. A. O'REALLY,
For Collector of Customs.

348 # 64. *Agreement between Mr. Fowler & Atlas Company, May* 21, 1898.

ATLAS STEAMSHIP COMPANY, JAMAICA AGENCY,
KINGSTON, *May* 21*st*, 1898.

It is hereby agreed between Mr. Fowler, at present residing in this city, and the Atlas Steamship Company for the chartering of the S. S. "Adula" to go to Cienfuegos forthwith, and Trinidad, if so ordered at Cienfuegos, and back to Kingston, on the following terms:

Mr. Fowler to pay at the rate of £100 per day, with a minimum payment of £500, quarantine detention at the risk of the owners of the ship. This sum will include 200 adult passengers, 2 children under 11 years of age to be taken as one adult, children under three years free. Passengers to be victualled by the ship at the rate of 4/ per day or part of a day; this sum to be paid with the charter money. Port charges and passenger tax to be paid by the charterers. The ship is to provide authority to pass the blockade at Cienfuegos. Should Trinidad be blockaded, and the fleet prevent the vessel entering, she is to proceed to Jamaica without any deductions to be made from the monies to be paid under this agreement.

Should the charterers exceed the number of 200 passengers, they are to pay the company at the rate of £2 per adult, and children as above, that is, two children under 11 years to count as one passenger and children under three free.

The minimum charter money £500, victualling of passengers at

8/ per head and extra passengers carried as per this agreement is to be paid at Cienfuegos by Mr. George R. Fowler before the sailing of the ship; and any balances, should there be any, to be paid
349 here in Kingston by Mr. Fowler out of a deposit to be made by Mr. George B. Fowler to Capt. Walker of £200.

Spanish sovereigns to be taken at nineteen shillings and three pence.

350 #62. *Letter of Instructions to Capt. Walker from Capt. Forwood, May 6, 1898.*

Dictated by Capt. Forwood.

ATLAS STEAMSHIP COMPANY, JAMAICA AGENCY,
KINGSTON, *May 6th*, 1898.

Capt. Walker, S. S. "Adula."

DEAR SIR: When your vessel is coaled and provisioned you will please proceed direct to Cienfuegos, at which port consign your ship to Mr. Fowler or other officer acting as British consul. You will receive from Mr. Fowler passengers up to, say, 200, and from thence you will proceed back to Kingston with all possible speed.

Mr. Steel, who will be going with you, has my written instructions as to the financial part of the voyage.

These instructions are to you as commander, and kindly carry them out specifically. There will be outside Cienfuegos, in all probability, United States men-of-war blockading the harbour. On nearing them please fly your British ensign and house flag, and when close to the flagship stop, and an officer will likely board you. To him hand the enclosed letter and follow his instructions as to entering the harbour of Cienfuegos or not. Should you be permitted to pass, you will hoist a signal for a pilot, and you should take necessary steps to see that he is an authorized pilot and not an ordinary fisherman. The harbour is dotted with torpedoes, and it is only an authorized pilot who would know where — will be.

You will, of course, fly your British ensign in the harbour from daylight to dark, and be most careful that nothing whatever
351 is done in your ship that is against the existing rules and regulations of the harbour.

In leaving and in passing the blockade, be careful to salute the ships and the forts with your flag, and it may be better if you ask the officer who permits you to pass the blockade in going in if it will be necessary for you to stop your vessel on leaving again, and in case he states that it is necessary you will, of course, carry the order out.

I have made no arrangements about the victualling of the passengers; the vessel has simply been chartered, and the steward can charge two shillings a meal to the cabin passengers and one shilling to the deck passengers. There will be a large number of passengers on board and, of course, they cannot expect to have everything as they would wish for.

Wishing you a pleasant voyage and speedy return, I remain dear sir,

Yours faithfully, W. PEPLOE FORWOOD,
Gen. Ag't, Ja.

352 #65. *Letter of Instructions to Capt. Walker from Capt. Forwood, May 16th, '98.*

Dictated by Capt. Forwood.

ATLAS STEAMSHIP COMPANY,
JAMAICA AGENCY, KINGSTON, *May 16th*, 1898.

Capt. Walker, S. S. "Adula."

DEAR SIR: I enclose herein for your private information a copy of the agreement that I have made for the charter of your vessel to Santiago de Cuba, to which port please proceed direct. The agreement is clear and plain.

You will consign the ship to Badell & Co., Santiago de Cuba, and notify them of the hour that you anchor, at which moment the 24 hours referred to in the agreement will run. After the passengers are on board and they give you your clearance, you will notify the hour, and if it exceeds 24 hours, you will ask them for a receipt to that effect.

You will observe I am taking the risk of quarantine; it is therefore very necessary that you have everything clean on the bill of health. I am writing to the British consul to ask him to endorse on it that there has been no infectious diseases for so many months, and that the passengers embarking are all from that city.

The cleanliness of the vessel when she arrives in Kingston will enable you to get pratique with such a bill of health. Be most careful that no sickly looking passengers go on board the ship, and you had better allow your officers to tally them on board, so that your number will be perfectly clear for your charter-money. By getting Messrs. Badell & Co. to give you a certificate as to
353 number, etc., it will clear yourself as to any dispute.

Kindly hand my letter to the British consul yourself.

Wishing you a pleasant voyage, I remain, dear sir,

Yours faithfully, W. PEPLOE FORWOOD,
Gen. Ag't, Ja.

354 #66. *Letter to Capt. Walker from Capt. Forwood, May 21, 1898.*

Dictated by Capt. Forwood.

ATLAS STEAMSHIP COMPANY,
JAMAICA AGENCY, KINGSTON, *May 21st*, 1898.

Capt. Walker, S. S. "Adula."

DEAR SIR: I enclose you a copy of the agreement I have made for a further voyage to Cienfuegos for your guidance and instruc-

tion. By it you will observe that the ship on this occasion takes the risk of quarantine.

The most important matter you have got to look after is to see that no sick people are on board, and that the vessel is as cleanly as the circumstances will allow on her arrival at Port Royal.

You will observe further that our charter is for 200 passengers, and over and above that number we are paid for extra. It will be therefore necessary for your officers to count the passengers as they come on board, so that you can settle with Mr. Fowler, at Cienfuegos, about the payment.

The special-payment clause in the agreement I would draw your attention to; it is perfectly plain.

Calling at the port of Trinidad is subject to Mr. Fowler's orders and of our being able to get over the blockade. If we are not able to do this, then proceed on your voyage to Kingston. The pass through the blockade is enclosed herein, and I have got it on the clear understanding that you bring over a Mr. Hoffman from Cienfuegos. If you cannot get him, you must get a medical certificate, attested by the British consul, that it would be death to the man to remove him.

355 The victualling of passengers is undertaken by the ship, and in order to assist the steward's department it will be necessary for you to tell off as many of the crew as may be necessary to assist the stewards; in fact, after the passengers are on board I would abandon any attempt to do any work whatever in the ship except keeping her clean and attending to the passengers.

I would suggest that you take off the 'tween-deck hatches No. 1 & 2, and put windsails down the hatches, and allow the second-class passengers to use the 'tween-decks, as it will lessen the crowd on the upper deck.

You want to ask the chief engineer to make the best possible speed home he can, so that you will arrive here in time to get pratique without detention. I have had considerable trouble with the Spanish consul in getting clearance on account of your bringing a mail from the American ship, and I have only succeeded in getting clearance on the proviso that the vice-consul goes on this ship.

There are some few letters that are going of a family nature, and no doubt the vice-consul will allow you to take them on shore. You had better treat the man as decently as possible, as we may want to send the ship to Cienfuegos again.

In giving this letter to the blockade, be sure and ask the officer if he would allow the ship to pass another voyage without cabling to Washington.

Bill of health.—Be careful to see that clause is put on the bill of health to the effect that the last case of disease, and that of a mild nature and not epidemic, was at least 42 days ago. It was the want of this clause that quarantines the ship the previous voyage.

356 Wishing you a pleasant voyage, I remain,

Yours faithfully, W. PEPLOE FORWOOD,

Gen. Ag't, Ja.

P. S.—In the last clause of the agreement enclosed you will see a mention made that £200 has to be deposited with you by Mr. Fowler there for Mr. Fowler here, out of which certain balances has to be paid. This is not a "may-be" deposit, but "to be made." You will observe and you will point out to Mr. Fowler that you will be unprepared to leave until this deposit is paid, as, of course, all other monies that is called upon to be paid by the agreement. You do not want to mince matters with Mr. Fowler, but just make drastic threats to insist upon the payment of this deposit as per this agreement.

W. F.

357 #72. *Letter from Capt. Yeats to His Parents, July* 13, 1898.

ATLAS STEAMSHIP COMPANY,
S. S. "ADULA," *July 13th*, 1898.

MY OWN DEAREST PARENTS: It is some weeks now since I wrote you, first on account of our hurry & bustle round the coast, & later, during the past fortnight, on account of the "Adula" & those on board being held by the naval authorities at a place called Guantanamo, where for some days I was not allowed to write even to acquaint Capt'n Forwood, at Kingston, of my position, or even to write poor dearie; but since then I've managed to write short missives, which I sincerely trust she has rec'd safely—dear old girl. What a terrible state she must have been in on first hearing the news, but I hope & pray that when she had heard from me & knew exactly how things were her poor mind would be at least a little easier, & my mind is far from being easy, but I pray God my darlings are all right. Immediately I can I will wire. And now to tell you dear ones how it is or was that we got into this pickle, which has not come as any surprise, as I have anticipated this for some time; it is I didn't think I should be in command when it happened, but it was my luck to be, I suppose. We left Kingston on June 28th; the following evening, at 5.30, I arr'd off the port of Guantanamo, got the pilot, & anchor-d. Before proceeding I must tell you that we had on board the gentleman who chartered the vessel, a Mr. Solis, a Spaniard, & that's how & where the trouble has been caused. Shortly after anchoring Com'd'r McCalla, of U. S. S. "Marblehead," sent the steam-launch & word by the doctor, asking if I would go on board & see him. This I did & was shown into the com'd'r's presence. He shook hands &
358 asked me to sit down in a most friendly fashion. "Have a cigar, Capt'n?" Says I, "Yes, I don't mind." Says he, "What papers have you brought from the American consul at Kingston" (this question after a homely little chat)? "None," says I. He replied, "I'l- seize your ship." "Very good," says I. He rung for the sentry & tells that gent. to send the officer of the watch to him. In comes Lieut. Anderson (the first one that ever boarded us from the American fleet off Cienfuegos). "Take an armed guard on board the 'Adula,' muster all hands, & search thoroughly for papers

of any sort." When he'd given that order I began to think he meant business. However, he was kept very busy writing & receiving people, &c., & I had not had my dinner; so I enquired if he wanted me any more, as I was about to dine when he sent for me. He apologized & said, We'll go on board your ship together, & off we went. On arriving in saloon Com'd'r McCalla called for the articles. Everything was going beautifully until he spotted "Mr. Solis," & then he opened out; told him he'd be shot should he attempt to get away & gave him a special sentry all to himself. Poor Solis! He couldn't go & see his aunt unless his sentry went with him, & this performance went on day & night for about 12 or 13 days. They turned the ship upside down, took my papers, measured the coals, & took stock generally. As far as the ship is concerned, she was on perfectly legitimate business, fetching refugees. Whether Mr. Solis chartered the ship for that purpose alone of course has to be proved, & we are now on our way to Savannah for that purpose with a prize crew & Lieut. Anderson in charge. All being well, I hope to arrive there the day after tomorrow. I hope the court will soon sit & not keep us messing about, as I'm in a hurry to get back to Kingston. It appears Admiral Sampson gave strict orders to "keep a good lookout for the 'Adula' and seize her (I send cutting from
359 American paper); whi I don't know unless they fancied we were trying to run the blockade. If they don't prove Mr. Solis guilty of trying to carry dispatches this experiment will be rather an expensive one. I cannot answer for him, but I know that we went for refugees only. One thing that made them rather surly was that a few weeks ago we went to Cienfuegos, which was supposed to be blockaded, but we went in & came out & not so much as a shadow of an American warship was to be seen. After being 70 miles from Cuba we were stopped by the "Yankee;" he fired a gun & we stopped; in fact, we always do when they fire a gun across our bows; we find it is by far the best thing to do, as the next one would be at us instead of ahead. A lieutenant came on board, looked at our papers, & we were allowed to proceed. Some days afterwards we found out at the time Gen'l Blanco's secretary was on board, going, I suppose, on some mission to Europe, so you can imagine our American friends were rather upset to think that they missed such a prize. We were quite ignorant of the fact, especially as he had assumed another name. I am writing this hoping that I shall be allowed to post my letters without let or hindrance: of course, they may keep a watch over us (they will over Mr. Solis, I hear) or require to see all letters before they are posted, & for that reason have put nothing down that can possibly offend them. Today we have been passing a part of the time away by practising target-shooting. I must tell you that all the "prize crew" are armed with Colt's revolvers, & very fine, useful things they are, & it was with one of those that we were firing with. Every day I grumble when I think of all my D. Telegraphs accumulating at home, & I should be so glad of them now. While we were at Guantanamo Admiral Cervera made his last attempt, & I might say first, to leave Santiago.
360 From what I hear, it was a terribly badly managed affair. The final result must have been the same, but they ought & should

have made a better show; in fact, they made no show at all. The fact of only one man being killed on the American side speaks for itself, &, strange to say, it was the same at Manilla. Now, dearest one, I am going to turn in. I will finish this on our arrival at Savannah & let you know should I hear anything of importance before closing this up. God bless you both.

SAVANNAH, *July 15th*, '98.

I arr'd here this morning shortly after daylight; & altho' I have headed my letter Savannah, we have not yet reached the town proper, for we are going thro' the same performance as we did at Tampa, but I was not caught this time, as I managed to keep all my things out of the "oven." Tomorrow the doctor expects to finish putting us thro'; & then we shall proceed. I rather fancy we shall be here some time, as we were hardly expected. I am hoping one of the firm will come down from New York & bring counsel with them, otherwise I must engage some one here, & I don't relish the responsibility; anyhow, before acting I shall wire New York & Kingston. I must post this directly I can on arrival at Savannah. Now, dearest ones, I will say good-bye for the present. Take all my fon-est love & lots of kisses.

From your loving son, BIRTIE.

Remember me to all. Trust every one is enjoying the best of health, & that you, dearest dad, are feeling much better & getting stronger. You must not worry or believe any of the reports you see in the papers. God bless & take care of you both.

R. W. Y.

The Sun, Wednesday, June 29, 1898.

THE MYSTERIOUS ADULA.

Suspicion that She Means to Carry Information to Cervera.

Special cable despatch to the Sun.

KINGSTON, JAMAICA, *June* 28—9.30 p. m.

The steamer Adula, which last week brought to this port Virgillo Lopez Chavis, subsecretary to Captain-General Blanco; Lopez Calle, an aid to Gen. Pando; Col. Gelpi, Blanco's chief of staff; and Ramon Pastor, a Spanish government agent with $300,000, sailed at 5 o'clock tonight ostensibly for Guantanamo. She cleared for Guantanamo, Santiago and Manzanillo. There is a mystery connected with her trip. In the first place, the Spaniards gave out while coming here, that the cash was for the purchase of provisions, but there is reason to believe that it was intended for other uses. The Spanish consul here has heretofore refused to clear any vessel for Santiago, but he cleared the Adula today without question, her charterer being José Solis, a Spaniard. She is not loaded with cargo, and it is not likely anyway, that the Atlas Company, her owners, would deliberately send the ship to a blockaded harbor

with cargo. The inference is that the Adula is going to some other place or that she will seek to enter Santiago or Guantanamo on some plausible pretext, possibly a plea that she intends to take on board refugees or British subjects.

The belief here among the few having knowledge of her ostensible destination is that her mission is a secret one to get in communication in some way with Admiral Cervera or Gen. Linares. Chavis is known to have said to friends ashore that when the last moment arrived, when resistance by the defenders of Santiago would be no longer useful, Cervera's squadron would dash out and do as much damage as possible to Admiral Sampson's fleet. On the other hand the prediction is made that the Spaniards are trying at this critical time to reach the Cuban supporters of the United States Army and buy them off, especially those west of Santiago, who would harass the Spanish retreat from Santiago to Havana.

Admiral Sampson has already said that if the Adula again tries to enter Cienfuegos she will be seized. What will happen if she presents herself at other ports on the south side of Cuba remains to be seen.

It had been given out that the Adula would sail at daylight tomorrow, but she may now be anywhere within eighty miles. It is said that she will try to induce the American naval officers to let her pass the blockade by offering to be searched throughout and promising to give them all the information she gathers at Santiago if they will allow her to pass.

[Written across the face:] Humbug. Do. R. W. Y.

361 *Clearance Paper of the "Adula" from Kingston, June* 28, 1898.

Port of Kingston, Jamaica. (Seal.)

These are to certify all whom it doth concern that R. W. Yeats, master or commander of the steamship Adula, burthen 372 tons, mounted with no guns, navigated with 35 men, British built, and bound for Guantanamo, having on board water ballast and stores for ship's use, hath here entered and cleared his said vessel according to law.

Given under my hand, at the custom-house, at the port of Kingston, in the island of Jamaica, this 28th day of June, one thousand eight hundred and ninety-eight.

VIDAL HALL,
For Collector of Customs.

#38.

362 *Notice of Appeal.*

United States District Court for the Southern District of Georgia.

THE UNITED STATES OF AMERICA, Libellants and Appellees,
versus
THE STEAMSHIP "ADULA," HER ENGINES, BOILERS, &c.; THE Atlas Steamship Company, Limited, Claimant and Appellant.

Take notice that the claimant herein hereby appeals to the Supreme Court of the United States from the final decree made and entered herein condemning the said steamship "Adula" as lawful prize and from the order overruling the claimant's motion to take further proofs.

Dated Savannah, August 24th, 1898.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimant.

EVERETT P. WHEELER, *Advocate.*

To Marion Erwin, Esq., United States attorney.

To the clerk of the district court of the United States for the southern district of Georgia, eastern division.

Endorsement: United States district court for the southern district of Georgia. The United States of America, libellants & appellees, *vs.* The Steamship "Adula," her engines, boilers, &c., The Atlas Steamship Company, Limited. Notice of appeal. Filed August 25th, 1898. S. F. B. Gillespie, deputy clerk.

Marshal's Return.

I certify that on the 25th day of August, 1898, at Savannah, Ga. in my district, I have served a copy of the within notice of appeal on Wm. R. Leaken, Esq., ass't U. S. attorney, personally, and upon Marion Erwin, Esq., U. S. attorney. Service of same was effected by depositing a copy, under cover, to his usual address in the U. S. mail in this city.

Savannah, Ga., August 25, 1898.

JOHN M. BARNES,
U. S. Marshal,
By CHARLES J. WHITE, *Deputy.*

363 *Assignment of Errors.*

United States District Court, Southern District of Georgia.

THE UNITED STATES OF AMERICA, Libellants and Appellees,
versus
THE STEAMSHIP "ADULA," HER ENGINES, BOILERS, &c.; THE Atlas Steamship Company, Limited, Claimant and Appellant.

The claimant hereby assigns errors in the rulings and proceedings of the district court herein as follows:

I. For that the court did not sustain the objection taken by the

claimant to the introduction of the testimony of Edwin A. Anderson, Ellenberg, and Gill, taken *de bene esse*.

II. For that the court erred in holding that the *onus probandi* of a neutral interest rested on the claimant.

III. For that the court erred in holding that for all the purposes of the voyage of the "Adula" she was a Spanish ship.

IV. For that the court erred in holding that the said steamship "Adula" was in the absolute control of a Spanish subject, or that he was using her to run the blockade.

V. For that the court erred in holding that there was any proof that Solis, the charterer, conveyed or attempted to covey any letters through the blockade.

VI. For that the court erred in holding that the ports of Guantanamo and Santiago were blockaded, either officially or otherwise, it appearing distinctly that both the said ports were not within the limits of the blockade declared by the proclamation of the President of June 27, 1898, and no official blockade of said ports had been declared prior to the commencement of the voyage of the "Adula" upon which she was captured.

VII. For that the court erred in holding that the port of Guantanamo was blockaded at all, it appearing distinctly that said port was in the possession of the American forces and was not under blockade.

364 VIII. For that the court erred in holding that the port of Manzanillo was blockaded at all, there being no proof whatever that said port ever was in fact blockaded.

IX. For that the court erred in holding that the "Adula" was ever placed at the disposal of a Spanish subject to communicate if he could with the Spaniards and Spanish subjects by crossing the American lines by means of access to a blockaded port.

X. For that the court erred in holding that the claimant had any notice at the time the "Adula" sailed from Kingston that a blockade existed at any of the ports for which the voyage was commenced.

XI. For that the court erred in holding that there was any purpose in the mind of Solis, the charterer, or the claimant to enter a Spanish port whether it was blockaded or not.

XII. For that the court erred in holding that the "Adula" sailed with intent to enter a blockaded port or to run the blockade.

XIII. For that the court erred in holding that the third voyage of the "Adula" to Cienfuegos in June, 1898, was unlawful, or that in the course of said voyage she ran any blockade, whereas it distinctly appeared that said port was not in fact blockaded at the time and the "Adula," as a neutral ship, had, therefore, an absolute right to enter said port.

XIV. In that the court considered as evidence against the claimant a letter written by Captain Yeates to his parents after the capture and after the ship had been sent in for adjudication.

XV. For that the court erred in considering that the statement in said letter furnished any evidence that the "Adula" had ever carried out the private secretary of General Blanco.

XVI. For that the court erred in holding that the "Adula" was warned off again and again by the American authorities, or that she persisted in spite of such warning in her ventures, or that she ever evinced a total disregard of the blockade.

XVII. For that the court erred in holding that there was any intention on the part of said Solis to communicate with the garrison of Guantanamo.

XVIII. For that the court erred in holding that the official passport given him by the Spanish authorities was any
365 evidence authorizing the condemnation of the "Adula," it being plain from the evidence that there was no intention to use such passport except with the consent of the naval authorities of the United States and for the purpose of co-operating with the Government of the United States in their declared purpose to allow the removal of refugees and non-combatants from the island of Cuba.

XIX. For that the court erred in holding that there was any evidence tending to prove the destruction of said passport and in refusing to allow the testimony of Commander McCalla to be taken as to the delivery to him of said passport.

XX. In that the court erred in holding that the production of a certified copy of this passport would not throw any light upon the controversy and in refusing to permit the introduction of such a certified copy.

XXI. For that the court erred in holding that there was any presum-tive evidence that said Solis carried any official communications with him.

XXII. For that the court erred in holding that the "Adula" was engaged in the Spanish trade in disregard of the blockade.

XXIII. For that the court erred in holding that the additional evidence offered on the behalf of the claimant, taken in connection with that already before the court, would not change the result.

XXIV. For that the court erred in holding that the evidence taken *in preparatorio* is not susceptible of any satisfactory explanation.

XXV. For that the court erred in holding that upon comparing the proofs proposed to be brought forward and with that already in the cause the legal effect of the facts before the court could not be varied by the circumstances of explanation offered on the motion to take further proofs.

XXVI. For that the court erred in refusing to allow further proofs to be taken in the case.

XXVII. For that the court erred in holding that a voyage to either or all of the ports of Guantanamo, Santiago, or Manzanillo for the sole purpose of removing refugees and non-combatants,
366 under the direction and with the consent of the naval authorities of the United States having possession of said ports or controlling the entrance- thereto, was unlawful.

XXVIII. For that the court erred in holding that the carrying of letters or other papers by said Solis without the knowledge or consent of the claimant, and in violation of the agreement for the

charter of said steamship, subjected the said steamship to capture and condemnation.

XXIX. For that the court erred in disregarding entirely the joint resolutions of Congress approved April 20, 1898, for the recognition of the independence of the people of Cuba and for other purposes, and the act of Congress approved May 18, 1898, to provide assistance to the inhabitants of Cuba, and also the declared policy of the United States Government from the beginning of the war with Spain and prior thereto to provide assistance and relief for the suffering non-combatants in said island, and applied to an expedition undertaken for their relief and release decisions which could only be applicable to trading with the enemy.

XXX. For that the court erred in holding that there was any evidence that the said Solis had ever been engaged in blockade-running, or in carrying provisions or supplies to blockaded ports, or in taking refugees or non-combatants from blockaded ports.

XXXI. For that the court erred in holding that under the circumstances of this case an approach to Guantanamo bay for the purpose of asking permission from the United States naval authorities to enter the same subjected the Adula to capture and forfeiture.

XXXII. For that the court erred in holding that there was any evidence whatever that the Adula or any person on board of her had any intention to run a blockade upon the voyage on which she was captured, or made any attempt to run any blockade at Guantanamo bay.

XXXIII. For that the court failed to decide that the voyage of the Adula was a friendly voyage, prosecuted solely to mitigate the horrors of war, by the removal of non-combatants from the scene of hostilities, for which the consent of both contending parties was sought, and which was under the protection of the laws of war to the same extent as the voyage of a cartel ship.

367 XXXIV. For that the court decided that the said Solis was an enemy of the United States, although after diligent enquiry the naval officers of the United States had found no cause to detain him and he was allowed by them to depart and was not held as prisoner of war.

XXXV. For that the court disregarded the undisputed evidence that there was no intent to run any blockade, and especially the proof that express notice of the voyage and its object and of the charter was given to the United States consul at Jamaica that the "Adula" approached the Cuban coast and anchored and whistled for a pilot, and that the naval forces of the United States at Santiago and Guantanamo were so overwhelming that any attempt to run a blockade maintained by them would have been ridiculous.

XXXVI. For that the court erred in entering a final decree condemning the said steamship "Adula" as lawful prize of war.

XXXVII. For that the court erred in refusing to enter a decree in favor of the claimant that said steamship, her engines, &c., be restored to it, with costs, and that on account of the absence of prob-

able cause of capture it did not award damages against the captors and appoint commissioners to assess the damages.

Dated Savannah, Georgia, August 29, 1898.

P. W. MELDRIM,
Proctor for Appellant & Claimant.

EVERETT P. WHEELER, *Advocate.*

Endorsement: United States district court. The United States of America, libellants and appellees, *vs.* The Steamship "Adula," her engines, boilers, etc.; The Atlas Steamship Company, Limited, claimant & appellant. Assignment of errors. Filed in clerk's office Sept. 3, 1898. H. H. King, clerk.

368 *Order for Marshal to Remove and Sell Vessel in New York.*

Eastern Division, Southern District of Georgia.

In re the "ADULA."

It appearing to the court that the S. S. "Adula" has been heretofore, to wit, on the 15th day of August, 1898, by decree of this court, ordered to be sold as prize of war; that the upset price was fixed at $55,000, and that she was duly exposed for sale, conformably to law, at Savannah, in said district, and that no bid was offered at said attempted sale, it is therefore by the court—

Ordered that the marshal of said district do employ a competent and experienced navigator and a sufficient crew for said steamship, and also lay in a sufficiency of supplies and transfer her to the harbor of New York, and that he do pay all necessary expenses for such voyage and transfer, including adequate marine insurance, which he is hereby directed to effect.

Ordered further that on the arrival of said vessel in New York harbor that he shall advertise the same for sale in the New York Herald and one other paper in which advertisements relative to shipping are usually published, said paper to be selected by him, and said advertisements to be for ten days, and after the expiration of said period and after having complied with the provisions of section # 4628 of the Revised Statutes, the said marshal is directed to sell at public outcry, at a time and place in New York city to be designated in said advertisements, said S. S. "Adula," her tackle, apparel, furniture, and engines, &c., to the highest and best bidder, accepting no bid, however, for a sum less than fifty-five thousand dollars.

Sept. 5, 1898.

EMORY SPEER, *Judge.*

Endorsement: District court of the U. S., eastern division, southern district of Georgia. The United States of America *vs.* Steamship "Adula," etc. Order for marshal to remove and sell the vessel in New York. Filed Sept. 5th, 1898. S. F. B. Gillespie, deputy clerk.

369 *Petition for Appeal, and Order Allowing.*

United States District Court for the Southern District of Georgia, Eastern Division.

THE UNITED STATES OF AMERICA, Libellants and Appellees,
versus
THE STEAMSHIP "ADULA," HER ENGINES, BOILERS, &c.; THE Atlas Steamship Company, Limited, Claimant and Appellant.

To the Supreme Court of the United States:

The petition of the Atlas Steamship Company, Limited, respectfully shows to this court:

I. On or about July 21, 1898, the libellants filed a libel in the United States district court for the southern district of Georgia, eastern division, against The Steamship "Adula," her engines, boilers, cargo, etc., praying, for the reasons set forth in said libel, that the said steamship, her engines, boilers, &c., and her cargo might be condemned, forfeited, and sold as prize of war.

II. That thereafter your petitioner appeared in said suit, and on or about July 27, 1898, having made due claim to the said steamship, her engines, boilers, &c., and also to about eleven tons of coal, which is erroneously described in said libel as cargo, filed an answer in this cause setting forth that there was no cargo on board said steamship and praying that said libel might be dismissed for the causes therein set forth; that depositions *in preparatorio* were taken before the prize commissioners in said district.

III. Thereafter and on or about the 28th day of July, 1898, the said cause came on to be heard upon the said depositions and upon the papers found in said steamship at the time of her capture, and such proceedings were thereupon had that on said day the Honorable Emory Speer, the judge of said court, announced his decision that the said steamship, her engines, &c., and the said coal should be condemned as prize of war, and thereupon the claimant moved the court to order further proof and permit the claimant to take further proof respecting the issues in the cause, and the learned judge thereupon directed that the hearing for said motion be set down for the 9th day of August, 1898, and that the entry of the decree in said cause be without prejudice to said motion.

370 IV. Thereupon the judge of said court pronounced in favor of the libellants and caused a decree to be thereafter entered condemning the said steamship "Adula," her engines, boilers, &c., and her coal, as lawful prize of war, and adjudging that she be sold and the proceeds distributed according to law.

V. Thereafter, by leave of the court first *heard* and obtained, your petitioner filed in the said district court affidavits of Robert Gemmell and W. Peploe Forwood, with certain exhibits thereto annexed, and made a motion thereon for leave to take further proofs in said cause, and on or about August 8, 1898, the libellant filed an answer to said motion, and the said motion was heard before the judge of said court,

who afterwards, and on or about August 15, 1898, made an order denying said motion, which order was thereupon entered in said district court, and which order directed that the papers upon the said motion to take further proofs and the said order be made a part of the record herein for use in case of an appeal.

VI. And your petitioner is advised and insists that said final decree is erroneous in that it decrees that said steamship is lawful prize of war, and should be condemned and forfeited and sold, and the proceeds distributed according to law, and in that it does not dismiss the libel and order restitution of the said steamer, &c., to the claimant, and in that it did not on account of the absence of probable cause of capture award damages against the captors and appoint commissioners to assess the damages.

VII. Your petitioner is also advised and insists that said order denying the motion to take further proof is erroneous, in that it decrees that the evidence taken *in preparatorio*, as it stands, is not susceptible of any satisfactory explanation, and that upon comparing the proof proposed to be brought forward with that already in the cause the legal effect of the facts before the court cannot be varied by the circumstances of explanation offered on said motion.

371 VIII. For these and other reasons your petitioner appeals from the said order to the Supreme Court of the United States, and on said appeal intends to seek a new decision on the law and on the facts upon the pleadings and proofs in said district court, and the affidavits and exhibits upon the said motion, and upon new pleadings and proofs to be introduced in this court, and to that end prays that the records and proceedings of said court may be returned to the Supreme Court of the United States, and that the said decree may be reversed and the libel be dismissed with costs in the district court and in this court to your petitioner, and that restitution of the said steamer, &c., or her value, be decreed to the claimant, and that on account of the absence of probable cause of capture damages be awarded against the captors, and commissioners appointed to assess the damages.

Dated Savannah, Georgia, August 26, 1898.

GARRARD, MELDRIM & NEWMAN,
Proctors for Claimant & Appellant.

The foregoing appeal is allowed. October 26, 1898.

EMORY SPEER, *Judge.*

Endorsement: United States district court, eastern division of the southern district of Georgia. United States of America, libellant- & appellees, *versus* Steamship "Adula," her engines, boilers, etc.; The Atlas Steamship Company, Limited, claimant and appellant. Petition of appeal, and order allowing. Filed in office Oct. 31, 1898. H. H. King, clerk.

372 *Bond on Appeal.*

United States District Court for the Southern District of Georgia, Eastern Division.

THE UNITED STATES OF AMERICA, Libellants and Appellees,
versus
STEAMSHIP "ADULA," HER ENGINES, BOILERS, &C.; THE ATLAS Steamship Company, Limited, Claimant and Appellant.

Know all men by these presents that we, the Atlas Steamship Company, Limited, as principal, and Fidelity and Deposit Company of Maryland, as surety, are held and firmly bound unto The United States of America, appellees, in the just and full sum of two hundred and fifty ($250) dollars, to be paid to the said The United States of America; to which payment, well and truly to be made, we bind ourselves, our successors or assigns, by these presents.

Sealed with our seals and dated this 26th day of October, in the year eighteen hundred and ninety-eight (1898).

Whereas lately, at the United States district court for the southern district of Georgia, eastern division, in a suit depending in said court between The United States of America, libellant, and The Steamship "Adula," her engines, boilers, &c., The Atlas Steamship Company (Limited), claimant, a decree was rendered condemning the said steamship "Adula," her engines, boilers, &c., and her coal as lawful prize of war, and adjudging that she be sold and the proceeds distributed according to law, and the said The Atlas Steamship Company (Limited) having obtained an appeal, which has been filed in the clerk's office of said court, to reverse the decree in the aforesaid suit, and a citation directed to the said The United States of America, citing and admonishing the said appellees to be and appear before the Supreme Court of the United States, at the city of Washington, on the twenty-second (22nd) day of November next:

Now, the condition of the above obligation is such that if the said The Atlas Steamship Company (Limited) shall prosecute said appeal to effect and answer damages and costs if it fails to make the said plea good, then the above obligation to be void; else to remain in full force and virtue.

373 THE ATLAS STEAMSHIP COMPANY
(LIMITED),
By GARRARD, MELDRIM & NEWMAN, *Proctors.*
FIDELITY AND DEPOSIT COMPANY OF MARYLAND,
By EMILE NEWMAN, *Its Att'y-in-fact.*

Attest:
[Seal of F. & D. Co.]
JOHN R. COWAN,
For Resident Manager.

Sealed and delivered in the presence of—
CHAS. H. KING,
Notary Public, Chatham Co., Ga. [SEAL.]

Approved by—
EMORY SPEER, *Judge.*

Endorsement: # 205. In the United States district court for the southern district of Georgia, eastern division. The United States of America, libellants and appellees, *versus* Steamship "Adula," her engines, boilers, etc.; The Atlas Steamship Company, Limited, claimant and appellant. Bond on appeal. Filed in office Oct. 31, 1898. H. H. King, clerk. Garrard, Meldrim & Newman, proctors for claimant and appellant.

374 *Citation.*

United States District Court for the Southern District of Georgia, Eastern Division.

THE UNITED STATES OF AMERICA, Libellants and Appellees,
versus
STEAMSHIP "ADULA," HER ENGINES, BOILERS, &C.; THE ATLAS Steamship Company (Limited), Claimant and Appellant.

To the United States of America, Greeting:

Whereas the Atlas Steamship Company (Limited) has lately appealed to the Supreme Court of the United States from a decree lately rendered in the district court of the United States for the southern district of Georgia, eastern division, made in favor of you, the said The United States of America, condemning the said steamship "Adula," her engines, boilers, &c., and her coal as lawful prize of war and adjudging that she be sold and the proceeds distributed according to law:

You are, therefore, hereby cited to appear before the said Supreme Court, at the city of Washington, on the twenty-second (22nd) day of November next, to show cause, if any there be, why the decree rendered against said claimant and appellant should not be corrected and to do and receive what may pertain to justice to be done in the premises.

Witness the Honorable Merville W. Fuller, Chief Justice of the United States, this 26th day of October, in the year eighteen hundred and ninety-eight (1898).

EMORY SPEER, *Judge.*

Endorsement: The United States of America, libellants & appellees, *vs.* Steamship "Adula." her engines, boilers, etc.; The Atlas Steamship Co., Limited, claimant & appellant. Citation. Filed in office this Oct. 31st, 1898. H. H. King, clerk. Garrard, Meldrim & Newman, proctors for claimant & appellant.

Acknowledgement of Service.

Due & legal service & notice of the above citation is hereby acknowledged; further service waived.

Oct. 29, 1898.

MARION ERWIN,
U. S. Attorney for Southern District of Georgia.

375 *Order to Accept Stipulation for Value.*

In the District Court of the United States for the Eastern Division, Southern District of Georgia.

THE UNITED STATES *versus* STEAMSHIP "ADULA." } Libel *in Rem.* Prize.

It appearing to the court that the said prize steamship Adula, etc., was, after due advertisement, offered for sale at a minimum bid of $55,000.00, once at Savannah and once at New York city, and that on neither occasion was there any bid for said property;

And said Atlas Steamship Company (Limited), claimant, having tendered to the court a stipulation for value for the release of said vessel, her engines, boilers, tackle, apparel, and furniture, in the sum of fifty thousand dollars, with the Fidelity and Deposit Company of Maryland as surety, and it being represented to the court by the United States attorney that in the opinion of the Attorney General, the naval prize commissioner, and said United States attorney it is to the best interest of all concerned that said stipulation for value be accepted and said vessel be delivered up and released to the said claimant—

It is therefore ordered that said stipulation for value be accepted, and the marshal is directed forwith to deliver said steamship Adula, her engines, boilers, tackle, apparel, and furniture, to the said claimant.

November 11, 1898.

EMORY SPEER, *U. S. Judge.*

Order to accept stipulation for value filed in office Nov. 14, 1898.

S. F. B. GILLESPIE,
Deputy Clerk.

376 *Stipulation for Value on Release.*

In the District Court of the United States, Southern District of Georgia, Eastern Division.

Whereas a libel was filed on the 21st day of July, 1898, by The United States of America, libellant, against The Steamship "Adula," her engines, boilers, tackle, apparel, and furniture, seeking to have said vessel forfeited and sold as prize of war and proceeds to be distributed according to law, on which process of attachment was issued, and said vessel was seized by the marshal of said district, and the Atlas Steamship Company (Limited), on the 26th day of July, 1898, filed its claim to said steamship as the owner thereof;

And whereas a decree was rendered in said cause condemning said vessel as lawful prize of war, and by a further decree, on the 15th day of August, 1898, by said court the said vessel was ordered to be sold and now remains in the custody of said marshal;

And whereas an appeal has been allowed from said decree to the Supreme Court of the United States, and pending said appeal the said owner and claimant desires the possession of said vessel;

And whereas it has been agreed by and between the proctors in said cause that a stipulation for value shall be given in the sum of fifty thousand dollars ($50,000), and the parties hereto hereby consenting and agreeing that in case of fault or contumacy on the part of the claimant or its surety execution for the above agreed amount may issue against their property:

Now, therefore the condition of this stipulation is such that if the claimant herein, The Atlas Steamship Company (Limited), and Fidelity and Deposit Company of Maryland, a corporation duly organized under the laws of the State of Maryland, the stipulators undersigned, shall abide by all orders of the court, interlocutory or final, in said cause, and pay the amount of money awarded by the final decree rendered by this court or by the appellate court, then this stipulation to be void; otherwise to remain in force and virtue.

377 THE ATLAS STEAMSHIP COMPANY,
LIMITED, [L. S.]
By GARRARD, MELDRIM & NEWMAN, *Proctors.*
FIDELITY & DEPOSIT COMPANY OF MARYLAND,
By EMILE NEWMAN, *Its Attorney-in-fact.*
Attest: JORDAN F. BROOKS,
[SEAL.] *Agent Fidelity & Deposit Company of Md. and Resident Manager at Savannah, Ga.*

Taken and acknowledged before me this ninth day of November, 1898.

CECIL MORGAN,
[SEAL OF COURT.] *Deputy Clerk, U. S. Circuit Court, So. Dist. of Ga.*

Approved and ordered filed Nov. 11, 1898.
EMORY SPEER, *U. S. Judge.*

Stipulation for value filed in clerk's office November 14, 1898.
S. F. B. GILLESPIE,
Deputy Clerk.

378 *Order Extending Time for Sending Up Record on Appeal.*

In the District Court of the United States for the Eastern Division, Southern District of Georgia.

THE UNITED STATES
vs.
STEAMSHIP "ADULA," ETC. } Libel *in rem.* Prize.

On motion of proctors for claimant in the above-stated cause, it is ordered that the time for sending up the record on appeal to the

Supreme Court on the appeal of said claimant be extended fifteen days from this date.

November 19, 1898.

EMORY SPEER, *U. S. Judge.*

Endorsement: United States *vs.* Steamship "Adula," etc. Libel *in rem.* Prize. Order extending time for sending up record on appeal. Filed November 19, 1898. L. M. Erwir, deputy clerk. Service acknowledged for the United States. William R. Leaken, ass't U. S. attorney, November 21, 1898.

379 *Clerk's Certificate.*

In the District Court of the United States for the Eastern Division of the Southern District of Georgia.

THE STEAMSHIP "ADULA," HER ENGINES, BOILERS, TACKLE, Apparel, etc., and The Atlas Steamship Company, Limited, Claimants and Appellants,
versus
THE UNITED STATES OF AMERICA, Libellant and Appellee.

Libel *in rem.* Prize.

I, H. H. King, clerk of the district court of the United States for the southern district of Georgia, do hereby certify that the 378 foregoing pages, numbered from number one to number 378, annexed to this certificate, is a full, true, and complete transcript of the record of the district court, assignment of errors, testimony, and other proceedings as directed by law to be made, with the agreements of counsel in the cause above stated of The Steamship "Adula," her engines, boilers, tackle, etc., and The Atlas Steamship Company, Limited, claimants and appellants, *versus* The United States of America, libellant and appellee, which case was lately pending in the district court of the United States for the eastern division of the southern district of Georgia and appealed by the Steamship "Adula" and the Atlas Steamship Company, Limited, to the Supreme Court of the United States, as the same remains of file and of record in my office.

Seal U. S. District Court, Southern District of Georgia.

In witness whereof I have hereunto set my hand and affixed the seal of the said district court of the United States, at Savannah, Georgia, this thirtieth day of November, in the year of our Lord one thousand eight hundred and ninety-eight (1898).

H. H. KING, *Clerk.*

Endorsed on cover: File No. 17,213. S. Georgia D. C. U. S. Term No., 628. The Steamship "Adula," her engines, boilers, tackle, apparel, &c.; The Atlas Steamship Company (Limited), claimant, appellant, *vs.* The United States. Filed December 9th, 1898.